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INDIAN BAR COMMITTEE REPORT 1923 - 24.

REPORT OF THE ROYAL COMMISSION ON THE SUPERIOR CIVIL SERVICES IN INDIA.

INDIAN ARMS RULES COMMITTEE REPORT 1922.

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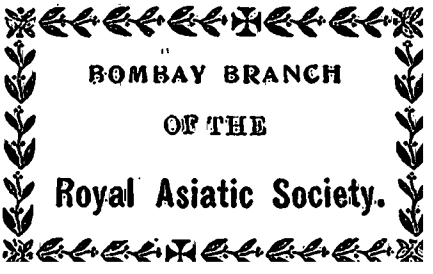

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Indian
Arms Rules Committee

REPORT

SIMLA
SUPERINTENDENT, GOVERNMENT CENTRAL PRESS
1923

STATEMENT OF EXPENDITURE

ON THE

INDIAN ARMS RULES COMMITTEE.

	Rs.	A.	P.
Daily and travelling allowances to non-official Members of the Committee.	5,623	6	0
Daily and travelling allowances to non-official witnesses.	4,266	7	0
Daily and travelling allowances to official witnesses	4,601	6	0
Cost of printing the Report and Evidence ..	1,554	14	0
Total	16,046	1	0

Indian Arms Rules Committee.

REPORT.

Introductory.

A resolution was moved in the Assembly on the 8th of February 1922 by Baba Ujagar Singh Bedi, to the effect that a Committee with a non-official majority should be appointed by the Governor General in Council to examine the new Arms Rules, 1920, and to submit a report before the next session making specific recommendations with a view further to amend them. The Resolution was carried and was accepted by the Governor General in Council subject to adherence to the principles, (1), that there should be no racial discriminations in the rules, and (2), that the Government must retain the power to impose restrictions to prevent arms and particularly firearms from falling into the possession of lawless or dangerous persons. In accordance with the instructions contained in Resolution No. F.-57-1-Police, dated the 1st June 1922, we have examined the Arms Rules, 1920 and submit our recommendations to the Government of India for such action as they think desirable.

2. Our conclusions have been reached after an exhaustive examination of the views of local Governments, the recommendations of the Committee appointed in 1919 to advise as to the principles on which the rules should be framed, and a large number of memoranda submitted to us by various members of the public many of which were sent in response to a general invitation issued by the Government of India to those interested in the subject under discussion to communicate their views to Government for the information of the Committee. We have examined orally 13 official and 16 non-official witnesses including representatives of the army and the trade, whose evidence was taken in public of which much has already appeared in the columns of the press. We commenced our sessions in the month of July and spent ten days in recording evidence. We were unable to conclude our work then and for unavoidable reasons were compelled to postpone our deliberations until the September Session of the Legislature. For this reason there has been some delay in the submission of our report.

Exemptions.

3. We propose to deal first with the question of the retention, extension, or contraction of the list of exemptions. Their total abolition has been advocated generally as a counsel of perfection, and the majority of the Committee would prefer this course if it were practicable. Local Governments, however, are of opinion that at this stage the entire abolition of exemptions would create grave dissatisfaction amongst the classes hitherto exempted and would be unwise and inexpedient. With this conclusion the majority of the Committee are in agreement. A large number of non-official Indians both in their oral evidence and in their written memoranda maintain that the Schedule of Exemptions should be enlarged. After

careful consideration of the views put before us and after examining in detail the entries in Schedule I we are of opinion that the existing list of exemptions contained in that Schedule is imperfect in some respects and we make the following recommendations regarding it :—

Under *entry 1 (a)* we would include Ministers and Members of the Imperial Legislature during their terms of office and Privy Councillors. The Committee by a majority do not recommend a similar concession to Members of the Provincial Legislatures.

In regard to *entry 6 (d), 6 (f), (i) and 6 (g)* we doubt whether the terms Great Sardars or Zamindars are sufficiently precise and we do not know what interpretation is placed upon them by the local Governments concerned, namely the Punjab, the United Provinces and the Central Provinces. We therefore recommend that enquiries should be made from these local Governments whether they maintain lists of these categories, whom they include, and whether they are sufficiently elastic. It has been represented to us that in some cases gentlemen who are in fact big Zamindars are excluded because they are not on the provincial Durbar List. If this is so, we think that it is an undesirable restriction. We are further of opinion that due regard should also be paid to lineage and family position and the lists revised accordingly. If such lists of exemptions under this entry are not maintained we recommend that they should be prepared, after the terms in question have been more precisely defined. We append a note by our colleague, Baba Ujagar Singh Bedi, making certain suggestions in this connection which we think may suitably be placed before the local Governments concerned for consideration.

Entry No. 7.—We were impressed with the evidence of Khan Bahadur Muhammad Saifullah Khan, Khan of Isa Khel, who explained that the proviso in Column 3 rendered this privilege to a large extent ineffective and we accordingly recommend the removal of the proviso. We are also of opinion that the same privilege should be extended to the districts of Campbellpur, Rawalpindi and any other district adjoining the North-West Frontier Province which are exposed to raids and dacoities unless the local Government take exception to this course.

Entry 11, 11 (a) and 11 (b).—We consider that it is unnecessary to retain these exemptions in the actual Schedule of Exemptions. These items were included with a view to protecting, what may be termed the vested rights of the classes named, on the 1st of January 1920 and we are of opinion that these rights should continue to be protected. We therefore recommend that all the present exemptees in the entries 11, 11(*a*) and 11 (*b*) should be granted a life license conferring on them the same privileges in respect of arms exempted from license and fee which they now possess. The majority of the Committee do not recommend that this privilege should be extended to title holders, who received titles after the 1st of January 1920.

Entry 13.—We recommend that an addition should be made to provide for the gift of swords or other arms by the Commander-in-Chief or on his behalf. A similar addition should also be made in Schedule II entry 3 (*vii*). Our colleague, Baba Ujagar Singh Bedi, has pointed out that some confusion exists in regard to entry 11 (*d*) and entry 13. He considers that it should be made clear that entry 13 relates only to those who were

presented with swords and arms after 1920. This follows as a matter of course if our recommendations are accepted, as entries 11, 11 (*a*) and 11 (*b*) will be omitted, and entry 13 will be renumbered. We are content to leave this point of drafting to the special officer who, we propose, should be appointed for the purpose of redrafting the rules.

4. We considered the proposal that all stipendiary and honorary magistrates should be included in the list of exemptions ; but we are of opinion that a firearm cannot be regarded as a necessary part of the equipment of a magistrate as such and are unable to recommend this. The case of the police is sufficiently met by the fact that a revolver is already a part of the equipment of police officers above the rank of head constable. While in our view it is reasonable that all Government servants who in the opinion of the local Government require arms for the adequate discharge of their duty should be exempt from the payment of fees, we cannot recommend that all Government servants should be included in Schedule I among the exempted classes.

5. In the case of all exemptees we consider it of the highest importance that they should register all the arms they have in their possession ; and we recommend that registration should be compulsory. In regard to the limit imposed by certain local Governments on the number of arms which may be possessed we have no evidence that such restrictions are irksome and indeed from the rules we have seen we are convinced that the scale allowed is generous. We therefore recommend no interference with the restrictions at present imposed by local Governments on the number and kind of arms which can be possessed by exempted persons. It follows that we do not recommend a fixed scale which shall be uniform throughout India. Conditions vary in different provinces and under the rules framed by the various local Governments exemptees can carry as many weapons as they reasonably require for purpose of protection or other legitimate purposes.

6. A proposal has been put before us that the power of cancelling individual exemptions should be given to local Governments. We consider that the existing rules by which this power is vested in the Governor General in Council should remain.

7. Our colleagues Mr. Bajpai, Mr. Reddi and Mr. Faiyaz Khan favour the adoption of a system by which licenses should be issued without restriction to all applicants on payment of the prescribed fee save in the case of undesirable persons specified in a list kept for the purpose. This proposal however, does not commend itself to the majority of the Committee, who regard it as entirely outside the scope of practical politics. It is not only exposed to the objections we have urged to the total abolition of exemptions, but is open to the serious criticism that a suitable or proper classification of undesirable persons would be impossible.

8. We next come to the entitled class. The evidence on the question whether licenses are often withheld from those who belong to this class is divided, but we would recommend removal of restrictions in two directions. In our view eligibility to be included in the entitled class should be considerably extended, and the existing procedure in the matter of enquiry is susceptible of material relaxation. As to the

Entitled Class.

eligibility we recommend that the payment of Rs. 500 land revenue. Rs. 100 in roads and public work cesses, any payment of income-tax and, in the case of a Government servant, receipt of a pay of Rs. 100 a month and over should be sufficient qualification. In the case of the Punjab, Madras and the Central Provinces we suggest that enquiry should be made whether the limit of land revenue should not be Rs. 250 instead of Rs. 500. Further the heads of Joint Hindu families should be included in this class, and the adult brothers and sons of entitled persons living jointly with them should be similarly regarded as belonging to it. As to the relaxation of the procedure of enquiry we think that lists of entitled persons should be maintained and that any member of the entitled class applying for a license should be granted one immediately without enquiry unless the District Magistrate has some definite reason to think that the applicant is an unfit person, in which case he may for reasons to be recorded in writing, refuse the grant of a license or cause enquiry to be made : in cases of refusal we would recognize a right of revision by the Commissioner or some officer of equal status nominated in this behalf by the local Government. In the existing rules no mention is made of the entitled class, the principles regarding it being contained in a Resolution of the Government of India No. 2125-C.-Police, dated the 21st March 1919. We are of opinion that it would be more satisfactory to the general public if the provisions regarding the entitled class with the modifications we suggest were embodied in the rules and we strongly recommend that this should be done.

9. We have given careful consideration to the various questions which arise in connection with the grant of licenses, especially licenses for the possession of arms. Complaints have been made to us regarding the administration, in practice, of the Rules, especially as regards the delays in dealing with applications, the irksome nature of the enquiries sometimes instituted, the difficulty of securing renewal of licenses already granted, and the difference in the restrictions imposed by the various local Governments. Indeed we are constrained to place it on record that in our opinion the vigorous criticism which has been directed against the Arms Rules in some quarters is due not so much to inherent defects in the rules themselves as to the method in which they have been put into practice. We have therefore given our particular attention to methods of improving the executive machinery.

10. We have referred above to the unnecessary inconvenience caused in some respects to would-be license holders by reason of the delay in issuing licenses. We recognise that this delay is frequently caused by the necessity for making enquiries about the fitness of a person to possess a weapon, and while we do not recommend that enquiry can be dispensed with in every case, we believe that the present practice by which enquiries are almost entirely carried out by the police is open to objection by the public and should as far as possible be abandoned. We suggest that in any case in which a previous enquiry is necessary particularly in cases of entitled persons the District Magistrate should make it if possible by any agency official or non-official he may choose other than the police, and whenever possible through a Magistrate. In any case in which it is found necessary to

have an enquiry made through the agency of a police officer we are strongly of opinion that a license should not be refused merely on the strength of the report of such an officer alone but that the District Magistrate should order a magisterial enquiry also before coming to a final decision.

Limitation of Number of Licenses.

11. In some provinces we have found that the custom obtains of limiting the number of licenses issued. We have even found that the practice of individual District Magistrates in the same province varies. Any arbitrary limitation of the number of licenses issued in a district or province may clearly lead to the refusal of a license to a fit and proper person and we can see no justification for the adoption, save in exceptional circumstances, of this practice. In our view the normal practice should be that no limit should be placed on the number of licenses which may be issued in any district or province. We recognise, however, that circumstances may arise in which a rapid increase in the number of arms in a particular area may be fraught with danger and we think it advisable that local Governments should have discretionary power, without being compelled to resort to the extreme measure of disarming, to limit the number of arms in any area or district if there is reason to apprehend serious danger from the free grant of licenses and if such restriction is necessary for the maintenance of the public tranquillity.

Revision and Prosecution.

12. We would recognise a right of revision in the case of refusal to grant a license, but we would not disturb the existing rule which requires the sanction of the District Magistrate to a prosecution.

Duration of License.

13. The period covered by the license varies in different provinces, but we recommend that it should now be the Calendar year. The scale of fees is discussed in paragraph 21 below. Persons should be allowed as at present to take licenses for three years on payment of a composition fee. We gather this rule is not widely known at present, and we think it would be desirable that the necessary steps should be taken to ensure its publicity.

Temporary Licenses.

14. In some quarters the criticism has been made that persons desirous of purchasing a weapon are put to inconvenience because they cannot produce the weapon when applying for the license necessary for its possession, and it was therefore recommended that a temporary license should be given to cover such purchase pending the grant of a license for possession. We do not agree with this, and in our view a permanent license should be issued at the time the applicant applies for a license and the number and description of the weapons purchased should be filled in by the firms from whom the purchase is made and communicated by them to the District Magistrate concerned. In this matter a uniform practice should be adopted throughout India.

Licenses for Persons arriving by Sea.

15. Another instance in which the present system has been shown to operate to the inconvenience of the license holders or would be license holders is that of persons arriving at Bombay, Madras or Calcutta, etc., by sea, who are not in possession of licenses and are therefore compelled to deposit their weapons with their agents or in the Customs House until a regular license can be obtained. We therefore recommend that customs

and police officers should be permitted to issue a temporary license for fourteen days on payment of the full fee, a receipt being given to the licensee. On receipt of the proper license from the authority empowered to issue the same no further fee should be payable.

oss of Veapons.

16. We attach some importance to the stricter enforcement of condition 7 of the conditions under which a license for the possession of arms and ammunition is granted. It has been suggested to us that the procedure in the case of failure to report the loss of firearms should be tightened up. But we are of opinion that the contingency is provided for by the conditions of the license, and all that is required is its more rigid enforcement. We recommend however that the license should also specify the penalty laid down in the Act for breaches of this or any of the conditions under which the license is granted.

rop rotection icenses.

17. The question of a freer issue of crop protection licenses was raised by a number of witnesses. The evidence given by official witnesses goes to prove that crop protection licenses are issued freely but in some cases conditions are imposed such as annual production of evidence of the purpose for which the license is required, before renewal is granted. We recommend the freer issue of such licenses and particularly on applications by or recommendations of landlords who are well acquainted with the local conditions and the extent to which damage is done to crops by wild animals.

Form of License.

18. We have been impressed with the fact that licenses are frequently granted on flimsy paper which quickly perishes, and we recommend the universal adoption of the Calcutta form. There the license is printed on stout paper, and is enclosed in covers such as is used in the case of passports. To the license a leaflet of instructions, in the vernacular of the province or in English at the option of the licensee, should be annexed. These instructions should indicate the procedure laid down for the renewal of the license and the restrictions to which the licensee is subject. In this matter we plead for uniformity throughout India. It has been suggested that the all-India, the provincial, and the district license form should bear distinctive marks, and a different colour for each has been proposed. We do not regard this suggestion as of vital importance, but pass it on to the Government of India for consideration.

Single License.

19. A single license form should be used for all the weapons licensed and not a separate license for each arm. We have found diversity of practice in the different provinces in this respect and we recommend that there should be uniformity.

Renewal of Licenses.

20. As regards the renewal of licenses we are of opinion that the existing procedure is susceptible of improvement. We see no reason why when a license has once been issued, it should be necessary for a District Magistrate to sanction renewal. The licensee may have changed his district or he may live in an inaccessible locality. The inconvenience then caused is considerable and easily avoidable. We therefore recommend that licenses should be renewed by any Magistrate or any Sub-Divisional Magistrate in the district in which the licensee is residing or in any other district in which he is known. In the case of a renewal of a license

in a district other than that in which the license was originally issued we recommend that the original license should be renewed and the authority which issued the original license supplied with information of renewal. The production of firearms should not in our opinion be a precedent condition to the renewal of a license.

Fees.

21. In regard to the scale of fees we find that there are indications that the present fees are regarded as too high (except for a provincial license in the North-West Frontier Province) especially in the case of breech-loading guns. We recommend the following scale in all provinces (except for provincial or district licenses in the North-West Frontier Province and possibly frontier districts of the Punjab) :—

Initial fee.—Revolver, Rs. 10 ; Rifle Rs. 5 ; Breech-Loading Gun and .22 bore Rifle Rs. 3 ; Muzzle Loading Gun or Air Gun requiring a license, annas 12; the enhancement of the fee from annas 8 to annas 12 being intended to meet the cost of the improved and more expensive form of license. *The fees on renewal* should be reduced and we recommend that they should be respectively Rs. 5, 2-8-0, 1-8-0 and annas 8 ; but if renewal applications are not made within a month after the expiry of the period covered by the license we recommend that it should be open to the District Magistrate in lieu of prosecution to levy the initial fee in full. No reduction of fee on account of composition is required.

Payment of fees should be by non-judicial stamp and applicants should be allowed to send their applications for licenses or renewal of licenses by post.

Exemption from Fees.

As stated earlier in our report all Government servants, who are, in the opinion of their local Government, required to possess arms for the adequate discharge of their duty and all members of the Auxiliary and Territorial Forces should be permitted to possess two arms without payment of fees. Exemptees should as at present pay no fees and those who will, if our recommendations are accepted, receive a life license should similarly pay no fees, for the arms which they are entitled to possess. We consider that the question of the extended issue of firearms free of fee in the North-West Frontier Province and Frontier districts should be carefully examined by the local authorities and we strongly recommend that, subject to such enquiries, action on these lines should be taken. We sympathise with the view of the arms dealers that the existence of a separate fee for a license for import into India and transport to destination is a distinct hardship, and in our opinion there should be a single fee only.

Restriction on limit of possession of Ammunition.

22. Under the rules no limits are placed on the amount of ammunition which may be possessed ; but local Governments have themselves imposed limitations. From the evidence before us we consider that these restrictions are in some cases unnecessary and calculated to inconvenience the *bona fide* sportsman. A uniform procedure in this respect is desirable throughout India, and we accordingly recommend that no limit of ammunition should be fixed in the case of shot guns or .22 bore or target rifles. In the case of revolvers we recommend a limit of 100 rounds and in the case of rifles a limit of 200 rounds *per* rifle. Any person who can prove that he needs more than 100 rounds for a revolver or 200 rounds for a rifle should be given a license for a larger number. At the time of the

purchase of revolver and rifle ammunition the license should, in our judgment, be produced. We are also of opinion that measures should be taken to facilitate the export of arms and ammunition to persons residing in feudatory states.

All-India Licenses and more expeditious procedure.

23. We have discussed in some detail questions affecting the issue of licenses because we feel that the public have legitimate grievances, and we believe that improvements can be effected for their benefit without in any way impairing the efficiency of the Arms Act administration. We desire now to make two proposals which we think may have material effect in allaying whatever dissatisfaction may remain. In the first place, we recommend that the issue of all-India licenses should be as unrestricted as possible and should be generally encouraged, and that certainly every member of the entitled class to whom a license is not refused should get an all-India license if he desires it. Further, we see no sufficient reason why Assam and Burma should be excluded from the all-India license and would recommend their inclusion. In this connection we also recommend with reference to entry No. 1 in Schedule II that enquiry should be made from the Punjab, Burma, North-West Frontier Province and Delhi whether the retention of these provinces in column 1 is really required, and whether the power given in column 3 is not sufficient to meet all reasonable requirements. Secondly, we strongly advocate greater expedition in dealing with applications for licenses and renewals. We have dwelt already on the possible inconvenience caused to the public. With the object of remedying the existing state of affairs it has been proposed that in each district a special department or a local advisory board should be established to deal exclusively with matters connected with the administration of the Arms Act. We are not in favour of the establishment of such a department or board, as the result would probably be even greater delay than at present, but we recommend that local Governments should be asked to issue instructions to district officers that they should appoint additional staff when necessary to deal expeditiously with applications for licenses and renewals, when applications are received in such numbers that the District Magistrate is not able to deal with them promptly with his ordinary staff.

Points of detail.

24. We now come to a number of miscellaneous points of detail and we propose merely to give a brief record of our conclusions.

Restrictions on Revolvers.

25. It has been suggested by the military authorities that the restrictions on the possession of revolvers should be tightened up. We recognise that the unrestricted possession of revolvers might be a menace to the public tranquillity ; nevertheless, we do not recommend any tightening up of the existing restrictions which seem to be adequate. At any rate they have not been shown to have failed. The existing restrictions should however remain.

evolvers of ·303 and 450 bore.

26. Enquiry has been made whether the import into India of .303 bore revolvers should be prohibited. The military authorities see no necessity for the prohibition and we do not recommend it. There are, however, good reasons why the import of .450 bore revolvers which take service ammunition should be prohibited, and we recommend that such prohibition should be included in the rules.

Rifles of prohibited bore.

27. In regard to rifles of prohibited bore, we recommend that no prohibition is necessary in the case of those rifles for which service ammuni-

tion cannot be used and the ammunition of which cannot be used for service rifles, but we make this recommendation subject to any objections which the military authorities may wish to place before the Government of India.

Import of Arms through Post.

28. It has been suggested that the import of arms should be permitted through the post office, but we think any general rule such as this would be dangerous, and accordingly we are opposed to the adoption of this practice.

Retainers.

29. The rules regarding retainers have been represented as inadequate, but no specific instances of hardship have been brought to our notice, and we are of opinion that no change is required.

Carrying of arms on journeys by female members of licensee's family.

30. A proposal was made to us that licenses granted to the head of a family should be held to cover the carrying of arms by dependent members of the family, particularly in the case of adult female members travelling alone. We are of opinion that the acceptance of this principle in such general terms might be dangerous. We think, however, that there is much to be said for the wife of a licensee being permitted to carry a weapon for purposes of protection on a railway journey, and we recommend that to this extent the proposal should be accepted.

Sale by Agents.

31. We agree that the practice hitherto followed by licensed dealers of employing assistants to conduct their business in their temporary absence should continue, and that it is unnecessary to take further steps to legalise it.

Reciprocity with Indian States.

32. As regards reciprocity with Indian States, it has been proposed that reciprocal arrangements should be made in all matters connected with arms administration. We recognise that unrestricted reciprocity is clearly impossible. Some States have no Arms Act or Rules, and in others the administration of their rules proceeds on different lines from those which obtain in British India. We could not with equanimity contemplate a large number of persons from Indian States coming into British India in possession of arms on the ground that they are exempted in their State. On the other hand our exemptions provide for the exemption in British India of a number of high officials belonging to Indian States, and we therefore recommend that the Government of India should endeavour to secure reciprocal arrangements with any State which can satisfy the Government of India that they have properly administered Arms Rules.

District Authorities, Karachi

33. We recommend that the same power be given to the Commissioner in Sind and the District Magistrate, Karachi, in respect of the grant of licenses for the export of arms and ammunition to Indian States by dealers in Karachi as are at present possessed by particular officers named in Schedule VI in respect of arms exported from elsewhere in India.

Appointment of a Special Officer to revise the Arms Rules.

34. We have not considered a number of technical points and minor errors and omissions in the existing Rules to which reference has been made in the correspondence or the evidence we have examined. Our object has not been so much to revise the Arms Rules from the point of view of draftmanship as to suggest improvements which will benefit the public. As regards the technical defects of draftsmanship we are not qualified to express an opinion, nor is it our duty to do so. We recommend, however, that an officer might profitably be placed on special duty

to redraft the Rules, in the light of the recommendations made in this report and that an expert from the trade should be invited to assist him. In our opinion it would enable the ordinary license holder to get a grasp of the Rules which are of importance to him, namely, those relating to the issue and renewal of licenses, the fees payable, and the restrictions imposed, if these Rules were issued in a self-contained section. The Rules as they stand are very confusing and are so comprehensive that the average licensee finds it difficult to disentangle those which concern him from those which are in the nature of technical instructions.

W. H. VINCENT, *President.*

T. B. SAPRU.
A. K. G. A. MARICAIR.
H. A. J. GIDNEY.
DARCY LINDSAY.
HARCHANDRAI VISHINDAS.
ABUL KASEM.
M. K. REDDI.
BABA UJAGAR SINGH BEDI.
*MD. FAIYAZ KHAN.
*S. P. BAJPAI.

} *Members.*

SIMLA :

The $\frac{27th\ September\ 1922.}{6th\ November\ 1922.}$

*Subject to a separate minute.

APPENDIX.

BOTHWELL LODGE,

Simla.

September 20th, 1922.

SIR,

As suggested by the Arms Rules Committee to elicit opinions of certain Provinces on Schedule I of the Arms Rules 1920, for which the Punjab Government have also been called upon to submit their view regarding Clause (*d*) Section 6 of Schedule I ; in which connection I was also asked to suggest some definition which might be helpful to the Punjab Government in their this effort.

I may be permitted to submit the following few suggestions which might be taken into account both by the Punjab Government as well as the Government of India, before giving it a legal shape.

Although the Punjab Government has defined the Great Sardars and Jagirdars of the Punjab as those who are Provincial Durbaris, yet it seems to me that there is no well-defined criterion which governs the creating and selecting of Durbaris. It entirely rests with the abitrary choice and recommendation of District Magistrates. Hence the definition is not for Great Sardars and Jagirdars.

There may be certain Provincial Durbaris who may be regarded as Great Sardars and Jagirdars and yet may not be paying such high revenues as are paid by, or bearing such traditional qualifications as are enjoyed by, those who are neither Provincial Durbaris nor regarded as Great Sardars and Jagirdars by the Punjab Government.

Therefore it has become imperative that a comprehensive definition should be provided for in the Law.

Not even to ignore the idea of the Punjab Government, let Provincial Durbaris be regarded as Great Sardars and Jagirdars.

But over and above that, it may be pointed out that although the evidence given by the non-official witnesses from the Punjab and also certain other Provinces presses Rs. 500 as annual land revenue as a definition of Great Sardars and Jagirdars, yet to make it more restricted, I beg to propose that a man whose land is assessed to land revenue of Rs. one thousand annually, or at the most Rs. 1,500, or is a Jagirdar of the same value, and is also from the Punjab Chiefs Family, in both cases, may also be regarded as a Great Sardar and Jagirdar within the meaning of the Clause referred to above.

Might I here elucidate the matter : the Punjab Government itself has considered the highest value of the revenue tax-payer to be Rs. 1,000 as given in the Electoral Rules to qualify a person as an elector to

Landholders' Constituency in the Punjab for the Legislative Assembly and that is the highest limit in the Punjab.

It is, therefore, obvious that such revenue payers in the Punjab are very limited in their number. The definition that I have given above will remove the trouble.

There seems no reason why the persons who come of high families of the Punjab Chiefs and are Jagirdars and still pay high revenues, are excluded from this privilege and merely persons picked up by the sweet will of District Magistrates should alone be and are regarded as Great Sardars and Jagirdars.

I presume that I have made the point clear, and that it will invite the attention of the Government and I may be informed at an early date of the decision which may be arrived at by them.

Yours sincerely,

BABA UJAGAR SINGH BEDI,
M.L.A.

To

The President,
Arms Rules Committee,
Simla.

I think that in view of the fact that land-revenue in the Punjab is very low landlords paying Rs. 1,500 per annum as land-revenue in the Punjab may be exempted.

S. P. BAJPAI,
M.L.A.

While approving the view of my friend Mr. Bedi, I would also suggest to define the word or expression ' Ancient zamindar ' in Madras also.

M. K. REDDI,
M.L.A.

I agree with these views for Punjab.

H. A. J. GIDNEY.

ABUL KASEM.

For the reasons pointed out above I am of opinion that in the special circumstances of the Punjab landholders in the Punjab paying an annual land-revenue of Rs. 1,500 who are at the same time Punjab Chiefs should be exempted.

HARCHANDRAI.

Minute of dissent by Rai Bahadur S. P. Bajpai, M.L.A., Member, Arms Rules Committee.

Paragraph 7.

I do not agree with the majority of the Committee that my proposal to issue licenses to all applicants on the payment of the prescribed fee save in the case of undesirable persons specified in a list to be kept for the purpose is outside the range of practical politics. The policy of the Government of India in regard to the administration of Arms Rules has all along been a subject of hostile criticism in the country. It is urged that innumerable restrictions and limitations imposed on the possession of firearms have led to the emasculation of the Indian manhood. Those of us who were connected with the recruiting work during the great war know with what difficulty recruits could be procured for combatant strength in the army. The reason is obvious. People in the interview who have seldom seen a breech loading gun would hardly agree to become soldiers and fight in the trenches. I think it is not impossible to prepare a schedule of exclusions. The Police maintains a register of bad characters and a list of persons convicted of heinous offences can be obtained from the office of the District Magistrate. Bad characters, persons convicted of heinous offences and members of criminal tribes may be excluded. I think the time has now come for the Government of India to take courage in both their hands and adopt my suggestion which I believe, will not only disarm criticisms levelled in season and out of season against the Government but also prove a source of considerable strength to the British Empire in the hour of need.

Paragraph 3 entry 1 (*a*).

I think it is only fair that the members of the Provincial Legislatures should also be exempted. To me it appears an invidious distinction to exempt members of the Central Legislature and to deny the same privilege to Provincial Legislators. After all a considerable body of both the Legislators is drawn from the same class of citizens. This distinction, I am sure, will lead to considerable bitterness and heart-burning. I shall, therefore, recommend to the Government of India to exempt the members of Provincial Legislatures as well.

Entry 6 (*g*).

(*a*) In Oudh all Taluqdars as such are exempt. Some of them pay nominal land revenue, while non-Taluqdar Zamindars to enjoy the privilege of exemption are required to pay twenty thousand rupees land revenue. I think with a view to feelings which are running very high with regard to the exemption of Zamindars in the Provinces of Agra and Oudh I shall suggest that all Zamindars who pay Rs. 3,000 or over as land revenue should be exempted. My recommendation coincides with the recommendation made by the United Provinces Landholders' Conference which met at Lucknow in July last.

(*b*) Heads of Joint Hindu families who pay Rs. 3,000 or upwards as land revenue should also be exempted and the adult male members on the analogy of the entitled class be considered as belonging to it.

Entry 11, 11 (*a*) and 11 (*b*).

I do not agree with the majority of the Committee in their recommendations to grant a life license to exemptees falling under these categories. I am not convinced that the removal of these entries from Schedule I will satisfy title-holders who received these distinctions after the year 1920. They will continue to feel that while their more fortunate brethren are exempt to all intents and purposes they are called upon to apply for licenses. Most of the title-holders who received these decorations after 1920 feel that a rare privilege is denied to them.

Big landholders and a large number of title-holders have got large stakes in the country. I, therefore, see no reason why they should not be exempted. Consequently I recommend that entries 11, 11 (*a*) and 11 (*b*) should not only be retained but that all future title-holders, etc., should also be exempted.

Paragraph 4.

I do not agree with the majority of the Committee when they recommend that Magistrates, etc., should not be exempted. I think all Magistrates stipendiary or Honorary, Honorary Munsiffs and Honorary Assistant Collectors should be exempted. Magistrates do need firearms to protect themselves when they are put in charge of processions, etc.

Paragraph 5.

I think it unnecessary to place restrictions on the number of firearms to be possessed by an exemptee. I shall, therefore, recommend that no restrictions be placed on the possession of firearms by exemptees who are almost always loyal and law-abiding citizens.

S. P. BAJPAI, *M.L.A.*,

Member, Arms Rules Committee.

SIMLA ;

The 27th September 1922.

Minute of dissent by Mr. Muhammad Faiyaz Khan, M.L.A., Member of the Arms Rules Committee.

I am sorry that I have disagreed on some points in the Arms Rules Revising Committee, which run as follows :—

(1) I do not agree on the ground of principle that the Members of the Imperial Legislature should be exempted from the operation of the Arms Act only so long as they continue to be the members. A person may not enjoy any concession, but if he does, he should not be deprived of it during his life-time, unless there is something to prove that he has become less trustworthy. A Member of the Imperial Legislature does not lose any part of his worth or his sense of responsibility by ceasing to be a member. Membership is only an apparent proof of a man's qualities, and his retirement does not involve any kind of turpitude at all. I therefore strongly hold that the Members of the Imperial Legislature should enjoy this privilege during their life-time.

(2) I fail to understand why the entitled class should only be based on money consideration. A person may not be a Government servant or may not be paying the prescribed sum to the Government as revenue or taxes, but still he may be as good or even a better citizen than many of the Government servants and those paying the prescribed sum to the Government as revenue or taxes. The Professor of a Communal College is an instance in point, who is neither a Government servant nor paying anything as tax. Again, the son or sons of a Zamindar may be thoroughly satisfactory men for keeping a weapon and still may not be paying any revenue or income tax in their name.

I really do not see why education be not also regarded as a sufficient qualification for coming under this class. Wealth may lead a man astray and may even bring him down to the position of a beast, but education alone is a sure agent for ennobling character. I would therefore suggest the inclusion of the following to the entitled class :—

(*a*) Barristers, Pleaders, Vakils of High Court of 5 years' standing ;

(*b*) Professors, Readers and Lecturers at Colleges affiliated to an Indian University ;

(*c*) M. As.;

(*d*) B.As. of seven years' standing ;

(*e*) Government pensioners drawing Rs. 100 and over per month.

(3) It should be expressly provided in the Arms Act that the licenses will not be held back on the basis of the individual political views, and to those who come under entitled class will get their licences as a right and not as a favour. What justification was there for the forfeiture of licences and arms of such revered, noble and peace loving citizens as Pandit Motilal Nehru, Lala Bhagwan Das, Khowaja Abdul Majid and S. Asif Ali, etc. The refusal to issue or renew a licence to

Indians of this position, though a proof of the " frame " being made of " steel " has the inevitable effect of lowering the prestige of the Government in the country. Big Zamindars and money lenders paying a large revenue to the Government have been refused licences on the ground of their wearing " Khaddar."

On the refusal or the forfeiture of licences, I have received a good many letters from respectable people ; and the following are the copies of a few interesting letters in my possession which will reveal the methods some time adopted by some of the District Magistrates. A gentleman who is paying as much as rupees twenty-five thousand as Government revenue, who is also a Municipal Commissioner and the Secretary of an important orphanage and a girls school, writes :

" The local officials are simply on account of the reason that I wear Khaddar in response to the country's call have forfeited my licence of Arms. I do not know what justification there is, the licences are being granted to my petty cultivators only if they say that they are the members of the Aman Sabha, but without giving any reason whatsoever they have done that against me, and together with me other very big and prominent Raises of.....whose fathers and they themselves are held in great esteem for no reason apparent except to suit their own wishes..... As far as I could ascertain and my knowledge goes the licences were introduced, that undesirables should not get licences, and should not possess firearms, but every day experience will show that murders and dacoities are being committed every day and Budmashes never show in wanting, they always have it and people of my social status do not get a licence. We have to travel to go to our villages which are apart some 40 miles, and travel with that money unsafe absolutely at the mercy of robbers and all, and nothing to protect us. I hope you will do something to relieve the present situation in the country and save gentry from these Bureaucrats who are pleased with a few on flattery." In another letter the same gentleman, writes, " As regards myself, we are followers of Swadeshi and wear ' Khaddar,' I manage my estate, cases go to the courts, but certainly I am Congressman and so is my friend..... But my friend.....does not even wear Khaddar and still wears English suits, though of course he has also committed the crime of being a Congressman."

But I will quote you a most important example that the licence of.....had been forfeited, and the reason of this forfeiture I shall explain in full (instead of the explanation from the writer of this letter the very gentleman referred to in the above letter, wrote me the reason why his licence was forfeited, which runs as follows) : His name is....., Rais and Talukdar of.....he is one of the very big landholders of the United Provinces and is a confirmed loyalist, always dancing before the Collector and the Commissioner of..... so timid as afraid of wearing Khaddar because that displeases the officials so he must wear Christy's cap.

Here is what he himself says about the reasons of the forfeiture of his licence. " The whole estate is in the name of my father who pays the revenue of about Rs. 5,000 to the Government, my father is

supposed to be one of the big zamindars of this place, his name is .....as he has practically retired from all worldly cares and anxieties, so I am carrying the whole business from the last 6 years, and hence the licences of firearms were in my name, which have been forfeited, and the forfeiture of arms has caused me very great inconvenience. I had to shift my residence from.....to..... permanently, as it was not quite safe at.....owing to the dacoities and robberies, though it is not quite safe over here too. I was never taking any part in politics, and why I was a prey of Bureaucrats, I shall explain to you in detail. The remote reasons of displeasure of the Bureaucrats was that when I was residing in.....a few Congress Volunteers came for subscriptions, and I also paid a sum, but that was not the immediate cause of displeasure, I was serving as a Punch in the Tehsil of.....and I was called upon by the Collector to resign my seat from there, which as a gentleman I could not do so, as I had given my words that I will serve as a Punch for a month, this was the immediate cause of displeasure and he said that if you do not resign your seat from village "Punchayat" I shall forfeit your arms, and on my refusal the arms were forfeited. I at least was under the impression that Panchayats were no cause of displeasures to the Government, and on the other hand they were encouraged."

Another letter gives quite a different method adopted by a District Magistrate, which runs as follows :

"I have also a stubborn grievance against the licence regulations which seem to exist only in name. We are told that the reform scheme had given the honourable zamindars an opportunity to apply for licences for firearms such as rifles, revolvers, etc., but we have fully experienced the Reform Scheme to be dead letter. For this I may quote instances. I am a big landholder of.....my father is paying a considerable Government revenue of Rs. 8,000. When I applied for the licence of a rifle in the Collectorate, the Collector disposed of the case to the Deputy Collector, and I was called, and I appeared before him and he told me that if I gave Rs. 200 as a contribution to a Government fund I could be given the licence applied for. I plainly told him that I had already contributed a considerable amount and that this has no concern with the present matter, whereupon he said that if I were not ready to comply with his order, I should not insist for the said licence. Dismayed and embittered I left the court. Such measures I say can never compel us to co-operate. Leaving aloof my own case there are hundreds that will readily attract your attention. The whole district is seething with discontent on account of the severity in granting the licences. It is better that I do not quote more instances of the same nature." A cousin of the above writer, also writes, "My case is a bit different because I have not been refused the licence of a pistol which I require, but I have every reason to preconclude that if I were to apply for it I should have been flatly refused. This statement of mine is not without foundation and validity, because my cousin who applied for the licence of a rifle was not given the licence he asked for. We are one of the greatest zamindars of our district, our family is paying Government revenue

of Rs. 8,000 (the whole family jointly paying Rs. 25,000 Government revenue) and myself exclusively paying Rs. 2,000. We really regret that being supporters of British Raj we are not so much trusted as to allow us to keep firearms. These measures instead of creating amicable relations with the Government bring about the greatest breach of fair connection with the landholders."

The above are a few of the typical cases I have selected, and I would only like to give one more letter from a person holding a responsible Government post in judicial line, which will show how the other party thinks of the present arms rules. The letter runs as follows :

" As for the Arms Rules in my opinion either the exemptions should be totally abolished or Gazetted Officers of 1st class must be exempted. You can well imagine the anomaly that a common man who has been hanging at the coat tails of a District Magistrate and thus becomes a Khan Bahadur prior to 1920 is exempted whilst a sub-judge who is entrusted with the decision of the Rais cases of the value of crores is not..... In my opinion if enquiry is at all necessary it must be entrusted to a District Committee comprising of officials and non-officials and their decision should be binding."

Before I finish quoting examples, let me quote one more recent amusing example of the decision of a queer District Magistrate. A leading practising Vakil in a District recently applied for a licence of a Double Barrel Breech Loading shot gun, and the licence was duly granted with the following note on the application :

" A licence for a Double Barrel Breech Loading gun for British India has been sanctioned in the name of the applicant, now he deposit the stamps for fee of the licence submitted for orders. The applicant is a pleader practising in the District." After a month or so the gentleman happened to go and see the District Magistrate. No one knows what conversation was passed between them, but one can pretty accurately guess what conversation could have passed between these two, which led the District Magistrate to write the following amusing and entertaining remarks on his application. The remarks ran as follows : " Deposit meanwhile. I have seen the gentleman, who seems very uncertain whether he is an enemy of the established Government or not." Curiously one would like to know from the District Magistrate whether he himself is " the enemy of the established Government or not " because by forfeiting the licence of such a respectable gentleman, has he not sown the seed of hatred and discontent with the established Government ? one who sows the seeds of discontent with the established Government, then who should be called the " enemy of the established Government, the Magistrate or the license ?" There is one more and the last example of the misuse of the Arms Act by a District Magistrate which I would like to show, and I believe these examples to be enough to throw some light on the actual working of the Arms Act. A few months ago at Kashipore the shopkeepers observed Hartal on a particular day, the District Magistrate got enraged and issued an order of the forfeiture of the Arms of some of these shopkeepers who observed Hartal, and the order of the District Magistrate with the reply of the shopkeepers runs as follows :

Arms Act Rules.

A Kashipur Case.

(From a Correspondent.)

True copies of the order of the Deputy Commissioner and the reply of nine gentlemen upon whom the order was served are sent herewith :

All these gentlemen are either zemindars or wholesale cloth merchants. They are men of respectable families. None of them is a non-co-operator. Even then the bureaucracy would force them to be so. Well Sir, was it any sin to close the shops on 13th of April ? Is that Hartal declared to be an illegal act ? Can Government force a man to either become a co-operator or a non-co-operator ? Is it not coercion, intimidation ? Are the peace-loving citizens to be thus deprived of their lawful activities ? It is rumoured that a gentleman is going to be deprived of his honorary magistrateship if he does not soon publicly do some work for the Anan Sabha.

District Magistrate's Order.

On 13th April 1922, a Hartal was observed at Kashipur in pursuance of the non-co-operation movement. A number of those who closed their shops on that day are in possession of arms licences. Some of these have apologised. Others have not. The names of the latter are given below :

By observing Hartal these persons showed their sympathy with the non-co-operation movement, and also showed themselves undeserving of holding arms licences granted by the Government.

I therefore hereby suspend the licences of the persons named below and a notice will be served on each of them accordingly to deposit his weapons in the police station forthwith.

If within one month of service of the notice the licensee files a petition in my court expressing his regret and assuring me of his non-sympathy with the non-co-operation movement, the weapon will be restored. Otherwise the licence will be cancelled on the expiry of one month.

(1) Lala Sukhdeo Prasad Khatri, Honorary Magistrate, Kashipur ; (2) Lala Raghbir Saran Khatri, Kashipur ; (3) Lala Kunj Behari Lal, son of Lala Sukhdeo Prasad, Kashipur ; (4) Lala Brij Kishore Khatri, cousin of Lala Sukhdeo Prasad ; (5) Lala Puran Pershad Khatri ; (6) Lala Shiv Lal Khatri ; (7) Lala Ganga Prasad ; (8) Lala Chheda Lal Khatri ; (9) Lala Shyam Saran Har Saran Khatri ; (10) Lala Sudama Lal Raghbir Saran ; (11) Lala Shiva Lal Vaish ; (12) Lala Hazari Lal Vaish ; (13) Chaubey Amar Nath, Chairman Municipal Board, Kashipur.

The Reply.

To

The Deputy Commissioner,

NAINI TAL.

Sir,

In compliance with your order dated 7th June 1922, some of us have deposited our weapons in the police station, Kashipur and

others with Sheikh Abdul Wahid, a local licensed dealer in arms. As under the law both the courses are open to us, those of us who have elected the latter have done so in the hope that it will facilitate the disposal of these arms and enable us to realise a part of their value in case you are not pleased to rescind the above mentioned order.

2. Under resolution no. 2125-C. of the Government of India, Home Department, dated the 21st March 1919, payment of not less than Rs. 1,000 per annum as land revenue, or payment of an income-tax of not less than Rs. 3,000 for a period of three years as well as under the United Provinces Government Resolution no. 5572-X-844, dated 10th November 1919, payment of the above sums as land revenue or income-tax, respectively, or being an honorary magistrate, etc., is to be regarded as a sufficient qualification for entitling a person to obtain licences for the possession of firearms, including rifles, smooth bores, etc. In accordance with these statutory rules every one of us is duly qualified and entitled to a licence and some of us are possessed of more than one qualification.

3. The law for the suspension and cancellation of licences is clearly laid down in the Arms Act. Under section 11 a licence is liable to be suspended or cancelled only if the licensee is convicted of an offence against the Arms Act or the Rules or if it is necessary to do so for the security of the public peace. None of us has been so far convicted of such an offence, nor has it been alleged by anybody and it is not stated or even suggested in your order that it is necessary to suspend or cancel our licences with a view to preserve public peace. So, we venture to submit that your order is quite illegal and *ultra vires*. We have, jointly as well as severally, a profound concern in the maintenance of public peace. Even if we were unmindful of the public weal, our own self-interest as well as self-regarding instinct would constrain us to discountenance everything that may tend to disturb the public peace even remotely or indirectly. We cannot help stating that we have a distinct stake in the land as each one of us is connected either with a zemindari or with a decent business concern, or with both, and as such we have everything to loose and nothing to gain by any breach of the public peace at any time. We beg leave to submit that the closing of the shops on the 13th of April last—whether all of us did so or not ; and though some of us, namely, Lala Chedalal, Lala Brijkishore, and Lala Sukhdeb Prasad have no shop in any bazar and Lala Hazarilal none in Kashipur, so that it was not possible for them to close any—has no bearing in the matter of our licences and the suspension thereof on this account is not warranted by the law of the land.

4. As a condition precedent to the restoration of the weapons you want an assurance of non-sympathy with the non-co-operation movement from each of us. We are at a loss to understand the full import of these words. As we have stated above, we have to come in contact occasionally, if not frequently, with public servants for various purposes, such as the determination or payment of land revenue or income tax, or for purposes of irrigation or settlement, and in connection with proceedings in courts, and the like. The very fact of our being in possession of these arms is significant enough. Besides we are render

ing public services, however humble they may be, in various other spheres, *e.g.*, in the municipality, in the furtherance of the co-operative credit movement, in the management and maintenance of the aided high school in our town, and one of us, Lala Sukhdev Prasad, also, as an honorary magistrate. Under these circumstances it would not be impertinent to enquire what we are required to undertake by giving an assurance of non-sympathy with the non-co-operation movement. Unity among all races and creeds, uplift of the depressed classes, encouragement of cottage industries and indigenous manufacture of cloth, revival of the purity and simplicity of oriental living, social and temperance reform, cultivation and development of the individual and national sense of self-respect, and above all, the realisation of the paramount necessity of the maintenance of public peace and order under all possible conditions and circumstances and an immutable determination to adhere to the above principles and to cultivate feelings of personal amity and good will among individuals are some and by far the main planks in the contemporaneous non-co-operation platform. Are we required to run in a counter direction and to turn our stiff backs against one and all of these and, if so, would our conduct be of public advantage and conducive to the progress of the State ? Further, is any of these activities prohibited by law and, if not, is one to be deprived of his legal rights and privileges because of his legitimate actions and lawful actions if he cannot succeed in persuading his conscience to accept the executive view of the matter or to disregard its counsel.

5. There is a still graver aspect of this question, and we can only hope that it did not strike you at the time you passed the preliminary order suspending our licenses. As was well known to your predecessor in office, Kashipur sub-division and its vicinity is infested with dacoits as well as wild animals and their ravages have rendered serious havoc—villages have been deserted, land has gone waste and population is steadily dwindling—dacoities have never been scarce in these parts while during the last two or three years arson, pillage, assassination and inhuman outrages have been the order of the day and a reign of terror has been supreme for a considerable period, as even one having no local knowledge can easily gather from the Sub-divisional Magistrate's judgment in a recent case (K. E. *vs.* Umraosingh of May 1922). The report of the land revenue administration in these provinces just published also bears testimony to this. ' Agriculture in the Naini Tal *tarai* was hampered by the prevalence of dacoity, and the Commissioner remarks that dacoity was disastrous and the police were helpless ' (*vide* paragraph 60 of the report). It is reported that a public spirited citizen offered to lead the police in March last to the dacoits' camp in the neighbourhood of Kashipur town and in response to this the superintendent of police did proceed to Kashipur and reached the railway station with a force of about a hundred strong one evening but,..... he retraced his steps and returned back to his headquarters with his party by the next train. Presumably he did this out of regard for public interests, and you will see from this how very irksome is our position, specially as some of us have already received threatening letters purporting to have been written to us by the members of the gang. In

a case in which a person was convicted for being in possession of a pistol without a license at Kashipur, the High Court held in revision that a serious view should not be taken of the matter as ' the applicant was living in a part of the Province where dacoities had been fairly numerous of late years' and there was a ' presumption that any person found in possession of such a weapon had obtained it for the purpose of self-protection ' (Revision No. 680 of 1918).

Under these circumstances we beg leave to admit that possession of such weapons as we have surrendered in obedience to your orders is absolutely essential for purposes of self-defence for persons of our status, and we hope that on reconsideration you will be pleased to cancel your orders under reference so that our arms may be restored to us.

It is unfortunate indeed that some time the zamindars and other respectable people are deprived of the right of possessing firearms by license, while Anglo-Indians of the position of a railway-guard are being granted licenses, even for revolvers. The Government of India, whose vision is certainly broader than most of the District Magistrates may not, perhaps like them to be so narrowminded, but their impetuosity has no limit. Let us, therefore, put a brake upon their rashness and local prejudices by an express provision of the Act.

(4) The present Arms Act requires or it is at least a practice in some of the districts, to bring or send the arms, after having bought it, to the collectorate to have the number of the arms endorsed on the license, and I know a good many instances of a few Englishmen of higher service—District Judge and Joint Magistrate—who instead of sending or bringing their arms to the collectorate, they just send a letter or a chit to the collectorate and give the number of arms in it for endorsement. I am of opinion that nobody should be required to bring or send his arms for endorsement to the collectorate, he should just mention the number of the arms in a letter addressed to the authority concerned, or if it is necessary at all that the arms should be presented before the endorsement authority, then each and every one, whatever position he may hold, should be required to present his arms before the endorsement authority and no letter or chit should be permitted to any one.

(5) The limit of two hundred cartridges per rifle is one of the most important question from the sportsman's point of view ; if this limit means 200 cartridges per rifle per year then certainly it will be most objectionable ; 200 cartridges will never be sufficient even for a month in a sporting district, but if it means that not more than 200 cartridges can be bought or kept at one time then there is not much objection. But why limit the number of ammunition at all. When the Government relies on a person for an arm with a certain limited number of ammunition, then I fail to understand why the same person should not be relied upon for an unlimited number of ammunition. Why should the Government of India be responsible for this sort of an act and restriction, which is bound to create discontent in the country, or at least among the sportsmen, and make the Government unpopular. I

know of no country in the world putting such sort of restriction on the amount of ammunition to be possessed by a licensee.

(6) There is one more imporant point to which I would like to draw the attention of the Government, which is about the punishment meted out to the holders of unlicensed arms and ammunition. Cases have been known where an Anglo-Indian has been fined a few rupees, and his arm confiscated, for unlawfully possessing an arm, while an Indian had to undergo a few months simple or rigorous imprisonment for even unlawfully possessing a sword. In the eye of law there is no such distinction between an Englishman, Anglo-Indian or an Indian, then why the distinction in the punishment. There is no reason why should an Englishman or an Anglo-Indian escape by merely paying a few rupees as fine and a poor Indian has to undergo simple or rigorous imprisonment for the same offence. If I am right there is a provision in the Government Order No. 454-VI.-989, dated 14th March 1887, which clearly says that the offences against the Arms Act " would as a rule be sufficiently punished by fine ", I am afraid this order of the Government is never acted upon. There must be a uniformity in the punishment of an Englishman, Anglo-Indian or an Indian under this Act, and this will undoubtedly allay the bitter feeling of the racial distinction.

There is every probability that under the new rules, more applications for licenses will be coming in. If, then, the reforms are in reality the first step on the road to self-government, then these applications should be dealt with in the spirit of real justice and right and not as a favour. There are no doubt several District Magistrates whose attitude towards such applicants has been reasonable, but unfortunately the majority of them are still too proud and not yet prepared to consider themselves as servants but always pose themselves as masters, and do not feel that a new era has set in. They ought to be told in plain words that the grant of a license to an entitled person is never a special favour or a privilege but they deserve it as a matter of right. Let me quote here a sentence from the speech of Mr. Iswar Saran, M.L.A., delivered in the Legislative Assembly on the 8th September 1922 at Simla, who in other words truly represents the public opinion and this applies in each and every case, he says, " We do not want the white man to be our perpetual ruler, our perpetual trustee, our perpetual guardian. We have had enough of this everlasting trust. We extend to the white man, and I speak with absolute truth and sincerity, the hands of fellowship and good comradeship, but I do resent and as long as there is the last breath of life left in me, I shall continue to resent the perpetual domination of the Civil Service or any other service....."

Unless the principle is accepted by the Government and faithfully acted upon by the District Magistrates any improvement upon the present arms rules will be a farce, I cannot emphasise upon this point too much. The entitled class should never be debarred from holding the license except on the only ground of moral turpitude. I must, however, make it clear that I do not regard any attempt on the part of an Indian to criticise the policy or the official of the Government or any desire on his part expressed in words or act to bring about a fundamental change in the policy of the Government, as amounting to moral turpitude.

The District Magistrates must not allow themselves to be carried away by what they hear from the police or those unfortunate class of non-official people who are called the flatterers, official favour seekers, title and job hunters and sycophants, who as a matter of fact have taken on themselves the duty to always misrepresent the true spirit and condition of the country and the individuals, simply to satisfy their personal aggrandizements, and those unfortunate officials who are misled by this class of people, not only ruin their own reputation and position but that of the Government too along with them. They should always coolly form their own opinion, and without the least fear of contradiction I can say, that this class of people,—who are never considered anybody in public eye, who always mislead the officials and hence the Government—are unfortunately the chief and the only root cause of all the present discontent and situation in the country. The personal considerations would defeat the ends of justice and fair play and bring a bad name to the Government.

With due respect to the President of the Arms Rules Revising Committee, I may say, that I do not for a moment accept to the arguments some time put forward before the witnesses, that the presence of too many arms may prove dangerous to the public on such occasions as the Arrah or Katarpore riots. I wonder why no such riots ever take place or have ever taken place in any of the Indian States, although the use of arms, there is almost freer than in British India. It entirely depends, if I may say so, on the temperament of the people and the way in which delicate situations are handled by the Government. In the Indian States, there is no such things as quarrels between the Hindus and the Muslamans, probably because their rulers do not seem to have yet adopted the unwise policy of the " divide and rule."

If I remember it right the Committee had decided that the powers of fixing the number of licenses in any district, in the case of necessity should still remain with the local Governments. May I just say a few words about this—and finish this minute of dissent with the hope that these new rules will be dealt with a new and a broader vision—I do not think there is any harm if the local Governments be given such powers, but, before limiting or reducing the number of licenses in any particular district, I hope the local Government will kindly announce through their local gazettes—at least a month before—the name with the date of the district where this new order is to be enforced, and also the reasons for doing so, with the opinion, if possible of some of the leading officials and non-officials of the district concerned, then and then alone should the local Governments be empowered to enforce this order.

MD. FAIYAZ KHAN.

18th October 1922.

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INDIAN BAR COMMITTEE

1923-24

REPORT

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REPORT OF THE INDIAN BAR COMMITTEE.

I.—Introductory.

1. The Indian Bar Committee was constituted by the Government of India Home Department resolution No. F.-591-23-Judicial, dated the 7th November 1923. By this resolution the Committee was required to examine and report on—

(1) the proposals made from time to time for constituting an Indian Bar, whether on an All-India or Provincial basis, with particular reference to the constitution, statutory recognition, functions and authority of a Bar Council, or Bar Councils, and their position *vis-a-vis* High Courts;

(2) the extent to which it may be desirable to remove existing distinctions enforced by statute or practice between Barristers and Vakils; and to make recommendations.

The constitution of the Committee was as follows :—

President.

Sir E. M. des C. Chamier, Kt., Barrister-at-Law, Legal Adviser and Solicitor to the Secretary of State, and late Chief Justice of the High Court of Judicature at Patna.

Members.

(1) The Hon'ble Mr. Justice V. M. Coutts Trotter, Barrister-at-Law, Judge of the High Court, Madras.

(2) The Hon'ble Mr. Justice Dinshah Fardunji Mulla, LL.B., Additional Judge of the High Court, Bombay.

(3) Mr. S. R. Das, Barrister-at-Law, Advocate General, Bengal.

(4) Mr. H. P. Duval, I.C.S., Secretary to the Government of Bengal, and Superintendent and Remembrancer of Legal Affairs, Bengal.

(5) Colonel Sir Henry Stanyon, Kt., C.I.E., V.D., Barrister-at-Law.

(6) Rao Bahadur Tiruvenkata Rangachariar, Vakil, High Court, Madras.

(7) Mr. Sitaram Sunderrao Patkar, LL.B., Government Pleader, Bombay.

(8) Mr. M. M. Chatterji, President of the Incorporated Law Society, Calcutta.

Mr. J. H. Wise, I.C.S., *Secretary*.

Shortly after the issue of the above resolution Mr. Justice Mulla communicated his inability to serve on the Committee and the Government of India, in their Home Department resolution No. F.-591—23-Judicial, dated the 17th November 1923 appointed Rai Bahadur Babu Lalit Mohan Banarji, M.A., LL.B., Government Advocate, Allahabad, to be a member of the Committee in his place.

2. The President arrived in Delhi on the 18th November 1922. In order to save time and to enable the Committee, which was to assemble in Bombay on the 23rd November, to embark on its enquiry with the least possible delay, he decided to draw up and issue a questionnaire which would define, however widely, the lines which the enquiry would follow. The questionnaire was purposely designed to cover as wide a field as possible. Previous proposals for the creation of an Indian Bar had been embodied in a resolution moved by Munshi Iswar Saran in the Legislative Assembly on the 24th February 1921. These proposals were submitted to the criticisms of associations and individuals throughout India, and the opinions expressed on them proved the wide divergence of the views held and of their implications. The object of the questionnaire was, by eliciting opinions on particular aspects of the question, to provide a basis for oral enquiry and enable the Committee to focus its attention on particular points which seemed to require further elucidation. The questionnaire was necessarily issued without the concurrence of the Committee, but at its first meeting in Bombay on the 24th November 1923 the Committee formally approved the action taken.

3. We assembled in Bombay on the 23rd November 1923, and at preliminary meetings discussed the itinerary which should be followed, the evidence which should be invited and generally the manner in which the enquiry should be conducted. It was provisionally decided that, after concluding our sittings in Bombay, we should visit Madras, Calcutta and Allahabad, and then conclude our tour in Delhi. Witnesses from the headquarters of other Chartered High Courts were to be invited to meet the Committee at whichever centre was the most convenient for them, those from Rangoon being invited to come to Calcutta, those from Patna to Calcutta or Allahabad, and those from Lahore to Delhi. Subsequent events necessitated a modification of this programme. It was found impossible to obtain the presence of witnesses from Rangoon in Calcutta, and improbable that we should have the views of the Lahore High Court and Bar adequately represented in Delhi. In both places the Bar seemed to us to present peculiar features which required investigation. On the other hand if the Committee were to visit Rangoon our programme would have been disturbed and our enquiry protracted to an extent which we thought

undesirable. We therefore decided that Mr. Justice Coutts Trotter and Dewan Bahadur T. Rangachariar should, on the conclusion of our meetings in Calcutta, hear evidence in Rangoon, while the rest of the Committee went to Allahabad and Lahore. This programme was adhered to, and the Committee reassembled in Delhi on the 14th January.

4. We also gave consideration to the question of visiting the headquarters of the Judicial Commissioners' Courts at Karachi, Nagpur and Lucknow, since it was desirable for the completeness of our enquiry to have information regarding the organisation of the Bar in these places also. We decided, however, that, provided we could obtain this information by other means, it was undesirable to incur the expense and delay involved in such an extension of our tour. We therefore requested full replies to the questionnaire from these places, and in the case of Nagpur and Lucknow invited representatives of the legal profession to meet us in Calcutta and Allahabad. In the case of Karachi we were able to hear in Bombay the evidence of witnesses who had experience of the working of the judicial system in Sind.

5. At the same time we discussed the extent to which we should hear oral evidence. It seemed likely that we should receive more offers to give oral evidence than we could, having regard to the limited time at our disposal, afford to accept. We therefore decided to invite the evidence of any Judges of the High Courts which we visited who might wish to express their views, and also representatives of the various legal associations and distinguished members of the legal profession. We also invited Local Governments, should they wish to do so, to depute representatives to discuss informally the questions under enquiry. In this way we hoped to secure that every interest directly involved in any change of the existing legal system would have full opportunities of expressing its views.

6. We also discussed the question of inviting evidence from Chambers of Commerce and other commercial or political bodies which might be expected to voice the opinions of the litigant public. We fully realised the paramount interest which the public must have in maintaining the efficiency, expedition and cheapness of whatever legal system may be in existence. On the other hand any changes which may be effected in the legal system must necessarily involve the consideration of possibly technical and professional questions on which the views of laymen could not be expected to be of value. We considered that so long as we did not in our enquiry lose sight of the objects which are the primary concern of the public who have recourse to the courts, we should serve no useful purpose by hearing the evidence of persons who

could reiterate their adherence to certain ideals in the administration of justice but could not give expert views on the technical questions to which an enquiry of this kind must necessarily be mainly directed. We therefore decided to give such public bodies an opportunity of bringing their views before the Committee in writing, but not to invite them to give oral evidence. Our action in this respect has met with criticism in certain quarters, but we trust that we have made it clear that it was not prompted by any underestimation of the interest which the litigant public has in the matters under enquiry.

II.—Description of the existing organisation of the Bar in India.

7. Since all suggestions for the institution of an All-India Bar or of Provincial Bars necessarily involve some disturbance of existing arrangements, it seems to us desirable at the outset to describe briefly the constitution of the Bar in India as it now is. Full control of practitioners entitled to practise in the High Courts is under the present system vested in the several High Courts, in the case of the Chartered High Courts by their Letters Patent and in the case of the principal non-Chartered High Courts other than that of Sind by the Legal Practitioners Act, 1879, subject only, in the latter case, to certain powers of control reserved to the Local Governments. Similar provision exists in the case of the Judicial Commissioner's Court of Sind, which, with the rest of the Bombay Presidency, is excluded from the operation of most of the provisions of the Legal Practitioners Act, in the Sind Courts Act (Bombay Act XII of 1866). The enrolment of pleaders and mukhtars for the subordinate courts is regulated for the most part by rules made by the High Courts under the Legal Practitioners Act, 1879, in Bombay by the Sind Courts Act, 1866, for Sind and by the Bombay Pleaders Act, 1920, for the rest of the Presidency, and in other parts by special statutory provisions. Rules so made usually require the sanction of the Local Government when the High Court is not a Chartered High Court. Section 9 of the Letters Patent of the Calcutta High Court, which may be taken as typical, gives power to the High Court to " approve, admit and enrol such and so many advocates, vakils and attorneys as to the said High Court shall seem meet " and also gives power to the High Court to regulate by such rules and directions as it may make the manner in which such advocates, vakils and attorneys shall appear and plead or act or plead and act for suitors of that Court. Section 10 of the same Letters Patent gives the High Court power to make rules for the qualification and admission of advocates, vakils and attorneys, and also gives power to remove or suspend

from practice any such practitioners. In short, the control of the High Courts is complete. They not only determine by their rules the qualifications for admission to the different branches of the legal profession entitled to practise before them and the manner in which the members of those branches shall practise, but they also exercise exclusive disciplinary powers over all members of the legal profession, except over revenue agents in Bengal, Bihar, Assam, the United Provinces and the Central Provinces.

8. We shall now summarize the rules made by the Chartered High Courts so far as they relate to the qualifications required for admission to practise in the High Courts in the various branches of the profession. We rely on the latest information to which we have had access, but it is possible that in some cases recent modifications of the rules have not come to our notice. In the case of advocates, every High Court recognises as a primary qualification the call to the Bar in England, Scotland, or Ireland, while, with the exceptions of Calcutta and Rangoon, other avenues for admission to the roll of Advocates are provided. And, with the single exception of Lahore, all Chartered High Courts require in the case of barristers some further qualifications beyond the mere call to the Bar in the United Kingdom.

In Calcutta, where only barristers are admitted to the roll of advocates, every applicant for admission is required to furnish a certificate that he has read in the chambers of a practising barrister in England for a year, and in addition he must either have been educated in England for three years, exclusive of the time spent in chambers, or have taken a degree in the United Kingdom or a law degree in an Indian University.

The Bombay rules require a barrister to have read in the chambers of a practising European barrister of more than ten years' standing for at least one year. But the rules also admit as advocates Bachelors of Laws of the Bombay University who pass an examination under the direction of the High Court, while there is a provision whereby the High Court may dispense with the examination when the candidate is a pleader of the High Court of not less than ten years' standing.

In Madras barristers of England or Ireland are required to have read for six months in the chambers of a practising barrister in England or Ireland of not less than seven years' standing. The rules also admit advocates of Calcutta, Bombay and Allahabad and Masters of Laws of the University of Madras who have studied for eighteen months with an advocate of the High Court of Madras, this period being reduced to twelve months in the case of a candidate who has served an apprenticeship of one year for the purpose of being enrolled as a vakil.

In Allahabad the rules require a barrister of England or Ireland to be in possession of a law degree of an English University or of the Universities of Calcutta or Allahabad, or to have read for not less than a year in the chambers of a practising barrister in England, and in addition to have been educated in the United Kingdom for three years, exclusive of the year in chambers, or to have taken a degree in a University of the United Kingdom. The rules also admit Doctors of Laws of the University of Allahabad who have practised for three years in the United Provinces, and advocates of Calcutta who are otherwise eligible under the Allahabad rules. Attorneys and vakils of ten years' standing are also eligible on the invitation of the Chief Justice and Judges.

In Patna barristers of England or Ireland are required, in addition to one year's reading in chambers, to have been educated in the United Kingdom for three years, exclusive of the year in chambers, or to have taken a degree in a University in the United Kingdom or a law degree in an Indian University. The rules also admit Doctors of Laws of Allahabad or Calcutta who have practised for three years in Bengal or Behar and Orissa. There is a similar provision to that in force at Allahabad for attorneys and vakils of ten years' standing.

In Lahore, as noted above, the rules admit barristers of the United Kingdom without any further qualification. They also admit first grade pleaders who have practised as such for not less than ten years, including five within the jurisdiction of the High Court, this period being reduced to three years within the jurisdiction of the High Court when such pleaders are Doctors of Laws of the Punjab University.

In Rangoon, as in Calcutta, only barristers of the United Kingdom are admitted to the advocates' roll. A barrister of England or Ireland is required either to have read for a year in England or Ireland in the chambers of a practising barrister of over five years' standing, to have practised in the courts of the country in which he has been called for at least two years, to have read in Burma in the chambers of a practising barrister of ten years' standing for two years, or to have practised, prior to his call, as a pleader or advocate of the first or second grade in Burma for at least seven years. An advocate of Scotland is required to have practised as such in Scotland for at least two years.

9. The qualifications required for admission as a vakil in Calcutta are the degree of Bachelor of Arts or of Science followed by the degree of Bachelor of Laws, and two years' service as an articled clerk to an approved practising vakil of five years' standing. The period may be and usually is reduced by the Court and may coincide with the period during which the student is reading for his

law degree. The possessor of a law degree in an Indian University may also be admitted if he can prove four years' *bona fide* practice as a pleader in a subordinate court. Three years' service as an attorney of the High Court is also a qualification. But in every case the candidate is required to pass an examination, mainly in procedure, before the Judges in chambers though we understand that it has been little more than a formality in recent years.

In Bombay a matriculate of the Bombay University or an attorney can be admitted by passing an examination, prescribed by the High Court, and a Bachelor or Master of Laws is eligible without further qualification.

In Madras a Bachelor of Laws of the Madras University is admitted as a vakil after passing an examination in procedure and practice (this requirement being waived if the candidate has served for three years as a subordinate judge in the Presidency) and serving one year's apprenticeship with a practising advocate, vakil or attorney of the Court. In all cases the candidate must attend an approved course of lectures on professional conduct and etiquette. A Bachelor of Laws of Allahabad or Calcutta is also admitted after a similar apprenticeship. A Bachelor of Laws who has practised for five years as a pleader in the courts of a District or subordinate Judge may also be admitted as a vakil.

In Allahabad the rules admit a holder of the degree of LL.B. of the Allahabad University, or of B.L. of the Calcutta or Madras University, to be enrolled in the High Court as a vakil. There is also a test of the applicant's knowledge of the vernacular. But a vakil is only allowed to practise in the High Court after two years *bona fide* practice in the subordinate courts.

In Patna the qualifications are the possession of the degree of B.A. or B.Sc. together with the B.L. or LL.B. of an Indian University, and two years' service as an articled clerk under an approved practising vakil of the High Court. A pleader holding a degree of B.L. who has practised for four years in a subordinate court may also be admitted. Three years' service as an attorney of the High Court also qualifies. But in every case the candidate is required to pass an examination in law and procedure prescribed by the High Court, and in certain cases a language test in Hindi is required.

The Lahore rules admit English, Scottish and Irish solicitors, vakils or attorneys with three years' practice in Chartered High Courts who pass an examination in the Revenue Law, Procedure and Customary Law of the Punjab, and persons who have obtained honours in law at the Punjab University. Second grade pleaders of two years standing if they are Bachelors of Laws of the Punjab University, of three years standing if they are Bachelors of Law

of another University, and of five years' standing if they are without a law degree, may also be admitted.

In Rangoon the qualifications are the degree of Bachelor of Laws of the Rangoon University, or of the Calcutta University if the candidate has passed in Buddhist law and Burma local laws, followed by three years' practice as a second grade pleader or advocate. As an alternative to the degree in law a candidate may present himself for the first grade pleaders' examination. Solicitors of the United Kingdom are also admitted as first grade pleaders.

10. In addition to the provisions made in their rules for advocates and vakils, the High Courts of Calcutta, Bombay, Madras, Allahabad and Patna have all prescribed qualifications for enrolment as attorneys. We do not consider it necessary to set out these qualifications in detail. Only in the three Presidency High Courts is this branch of the legal profession of material importance. In the other High Courts we find that few if any persons seek admission as attorneys. We do not propose to make any recommendation affecting either the qualifications required for admission as attorneys, which we consider adequate, or their relations with the other branches of the legal profession.

11. The above summary deals only with the qualifications prescribed by the Chartered High Courts under the powers conferred by their Letters Patent. It gives no account of the various grades of practitioners entitled to appear in subordinate courts, for whom rules are made by the High Courts under the Legal Practitioners Act, 1879, and the Bombay Acts. Nor does it describe the qualifications prescribed for practitioners by the non-Chartered High Courts. Some courts, as for instance the Judicial Commissioner's Court at Karachi, differ in that they have only a single grade of practitioners entitled to appear before them. But generally it may be said that in the matter of qualifications for admission to practice the non-Chartered High Courts present no peculiar features of importance, but reproduce largely, with variations due to local conditions, the system in force in one or other of the Chartered High Courts. We do not therefore propose to set out these qualifications in detail. Nor do we propose to describe at length the many varieties of legal practitioners who practise in the subordinate courts throughout India. We have noticed a general tendency towards the unification of these grades and the gradual disappearance of the practitioners of low qualifications whose practice is confined to the lowest courts. This tendency is one which in our opinion is wholly beneficial and we look to the time when there will be in each province a single grade of practitioners entitled to appear in all courts, from the High Court to the

lowest Revenue Court. But the various provincial systems and the local conditions which they reflect vary so widely that we are satisfied that any attempt to legislate for these subordinate grades of practitioners on any but provincial lines must be doomed to failure. We do not propose therefore to discuss them at length in this report, but content ourselves with expressing the opinion that the disappearance of these grades is an ideal which should be kept prominently in view by whatever authority may be vested with the control of the Bar in each province.

12. This summary of the organisation of the Bar in the various High Courts would be incomplete without some reference to the conditions under which advocates on the one hand and vakils or pleaders on the other are entitled to practise. In the Calcutta and Bombay High Courts vakils are not entitled to appear on the original sides of the Courts, nor in appeals from the original sides except in cases in which a question of Hindu o. Mahommedan law or usage arises. Advocates can appear on both sides of the Courts, but in Calcutta they must be instructed by attorneys on the original side and in appeals from the original side, and on the appellate side and in the mufassil by attorneys, vakils or lower grade practitioners, while in Bombay they must be instructed by attorneys on the original side and by attorneys or pleaders on the appellate side, and can appear without instructions outside the High Court. In Madras both advocates and vakils can appear on both sides of the High Court, but on the original side advocates can only appear on instructions from attorneys or vakils. No such distinctions exist in Rangoon, where both advocates and pleaders can appear, plead and act on both sides of the High Court. The remaining High Courts have no ordinary original jurisdiction, and all practitioners are equally entitled to appear, plead and act. In all High Courts vakils or pleaders are required to file vakalatnamas, and in all except Calcutta, where the rule has recently been revised, advocates have preaudience of vakils or pleaders. These distinctions we shall discuss later at greater length.

III.—Distinctions between grades of legal practitioners.

13. We have described above the organisation of the Bar in India as it now exists, its control and the different kinds of practitioners of which it is composed, and we have referred briefly to the conditions under which advocates and vakils practise and the distinctions which are made between them. We shall consider later the extent to which the exclusive control of the High Courts should be retained. But before doing so it is desirable to consider how far the present organisation is suitable and, as a preliminary

to this, whether the distinctions made between advocates and vakils should be maintained.

14. As has been seen, in every High Court except Calcutta advocates take precedence over vakils or pleaders. Vakils are obliged to file vakalatnamas, while in many cases advocates are not. To take first the question of precedence, we are satisfied that a rule by which the latest joined barrister-advocate takes precedence over and enjoys pre-audience of the most senior and experienced vakil or pleader cannot be defended. In some cases advocates of High Courts have higher qualifications than vakils or pleaders of the same Courts, but they appear, from the evidence which we have heard, to be willing to abandon such precedence as they have in order that an uniform rule may be established. We have heard the views of many witnesses on the subject, and the evidence shows that this is a privilege for the exercise of which occasion rarely arises, since it is exceptional for a junior advocate and a senior vakil to be briefed together on the same side. On the other hand the evidence equally shows that when occasions do arise when a junior advocate might claim pre-audience of a senior vakil, the privilege is almost invariably waived in favour of the senior. We have not found among barrister witnesses any general desire to retain a privilege which they seldom exercise, while vakil witnesses, although they recognise the ineffectiveness of the rule in practice, unanimously wish to remove a distinction which they not unnaturally regard as a mark of inferiority. The objections to the rule lose none of their force from the fact that they are largely based on sentiment.

15. The objection to the other distinction, which relates to the filing of vakalatnamas, is not entirely based on sentiment. The ability to act without a vakalatnama may be an advantage when a vakalatnama cannot be procured in time to save an appeal or application from being barred by limitation, or when the same party has to file a number of connected appeals, for each of which a separate vakalatnama is required if they are filed by a vakil or pleader. Here again we find it hard to justify the retention of the existing distinction. With certain exceptions which need not be detailed advocates, vakils and pleaders may and do appear, plead and act under exactly the same conditions. If the filing of a vakalatnama is necessary in the case of a vakil, it is equally necessary in the case of an advocate; if it is unnecessary to impose this duty on the advocate, it is in the case of the vakil a superfluous burden from which he ought to be relieved. We have heard witnesses who would abolish vakalatnamas altogether and witnesses who would

make advocates file them as well as vakils. But in no case has it been seriously maintained that, when all are practising in the same way, this distinction between advocates and vakils has any logical foundation.

16. We are agreed therefore that these two distinctions should be abolished. But before we make a definite recommendation as to the manner in which this is to be effected and proceed to consider the more serious distinctions which exist with regard to practice on the original sides of the Calcutta and Bombay High Courts, it would be well to survey the position to which we are led if uniformity is established in these respects between advocates and vakils. These being the only distinctions which are operative in the majority of the High Courts, in which there is no original side, we are left with two grades of practitioners in these Courts, both practising on identically similar terms and neither of them enjoying any peculiar privilege or suffering under any peculiar disability. It is difficult to avoid the conclusion that the position is anomalous and that the time has come when all practitioners entitled to appear in each of these High Courts should be enrolled as a single grade and under the same designation. To preserve distinctions of form when no distinctions exist in fact is to perpetuate a potential, if not actual, source of grievance and discord. The view has been expressed that this division of practitioners into advocates and vakils serves a useful purpose even when no distinctions of practice exist, in that it provides the means for according recognition to distinguished work at the vakil bar. We find that in more than one High Court provision is made for the admission of vakils of ten years' standing as advocates on the invitation of the Chief Justice and Judges, and that when this power is exercised by the Court it is regarded as the recognition of outstanding talent. We have also evidence that in Allahabad, where such a rule exists, this elevation to the Advocates' roll is a distinction which is highly prized by the profession. It may or it may not be desirable to provide for the recognition of distinguished merit at the Bar by elevation to a higher grade of practitioners. This is a question which does not properly come within the terms of our enquiry. But if it is desirable, we consider that a more suitable form of recognition, such as the grant of the rank of King's Counsel, could be devised than elevation to a grade which, while it may contain a higher average of outstanding talent, cannot possibly be regarded as exclusively composed of successful practitioners. We do not therefore think that this consideration detracts in any way from the desirability of unifying the grades.

17. But there is a positive consideration in favour of taking this step to which we attach importance. We have found throughout

India an almost universal desire among members of the legal profession that in some measure they should be given a hand in the management of their own affairs. We shall consider later in this report the extent to which we think this desire can be met. It is sufficient at this stage to record our opinion that a system which contains divisions which are not absolutely necessary is a most unstable foundation on which to build any scheme of self-government. In fact, we regard it as an important preliminary to the proposals which we shall make in this respect that the largest degree of unification of grades of practitioners which is now possible should be effected.

18. We have confined our attention in the preceding paragraphs to those High Courts in which the only distinctions in practice between advocates and vakils are those relating to precedence and vakalatnamas. We have not touched on the distinctions which are peculiar to the High Courts at Calcutta, Bombay and Madras. But before we proceed to deal with these questions, we propose to consider how far it is possible to apply the conclusions which we have so far reached to these three Courts, in spite of the peculiar conditions which govern practice at their Bars. Our conclusion that the precedence of advocates over vakils should be abolished applies equally to all High Courts. In the case of vakalatnamas, we have reached the conclusion that the rule must be made the same for advocates and vakils on consideration of the equality on which the two grades practise in most High Courts. We decided that when both grades habitually act as well as plead, any distinction in the matter of the filing of vakalatnamas is illogical. In Calcutta, Bombay and Madras this equality of practice does not exist. But our conclusion still applies to these three Courts if we express it in the form that when the particular kind of practice is the same there should be no distinction. If there is any case in which an advocate acts as well as pleads he should be subject to the same rules as a vakil who acts as well as pleads. If a vakil confines himself to pleading, there should be no distinction between him and the advocate who does the same. In short, if vakalatnamas are to be filed in some cases and not in others, the only logical distinction is one which is based not on the grade to which the practitioner belongs but to the kind of work in which he is engaged.

19. We decided that when there are two grades of practitioners working side by side on exactly the same terms it was desirable to merge them and enrol only one grade. When we come to apply this conclusion to the High Courts at Calcutta, Bombay and Madras we are faced with the facts that in Calcutta and Bombay

pleading on the original side is confined to advocates, and that advocates on either side of the Court can only appear on instructions; while in Madras, although vakils are admitted to the original side, they do not practise on that side in the same way as advocates, in that they can both plead and act, whereas an advocate is confined to pleading. We recognise the wide cleavage which these distinctions make between the two grades. On the other hand we do not consider that the existence of these distinctions, whether in their present or in a modified form, should militate against the end which we regard as desirable in itself, namely, that one and the same title should be applied to all practitioners entitled to plead before the High Courts. We have been told that an advocate of the Calcutta High Court going out to conduct a case in the mofussil is bound by the same restriction as to acting as in the High Court itself. Whether or not this is a corollary of the fact that in Calcutta only barristers are enrolled as advocates, the same does not apply in Bombay and Madras. In both provinces advocates and vakils of the High Court when they conduct cases in the mufassil are able to do so on exactly the same terms. We regard this as an additional reason for the step which we now recommend. Without in any way anticipating the conclusions which we shall come to with regard to the original sides of the Calcutta and Bombay High Courts, which are now closed to vakils, and without disturbing the position of attorneys we recommend that in all High Courts a single grade of practitioners entitled to plead shall be enrolled, to be called advocates, (not barristers), that there shall cease to be a separate grade of High Court Vakils or Pleaders, and that when special conditions are maintained for admission to plead on the original side of the High Court the only distinction shall be within that grade which shall consist of advocates entitled to appear on the original side and advocates not so entitled.

20. We recommend that Advocates enrolled in a High Court should be entitled to appear occasionally in any other High Court subject to such conditions as may be imposed by the Bar Council attached to the court in which he desires to appear or by the court where there is no Bar Council, for example, payment of a special fee and employment of a local advocate in association with him.

21. We are now in a position to make definite proposals for abolishing the distinctions in regard to precedence and vakalatnamas. We propose that advocates who are barristers shall take precedence *inter se* according to the dates on which they were called to the bar, that advocates who are not barristers shall take precedence *inter se* according to the dates on which they became

entitled to practise in a High Court, and that an advocate who is a barrister shall take precedence over another advocate only if he was called to the Bar before such other advocate became entitled to practise in a High Court. We do not restrict the precedence of an advocate to the date on which he became entitled to practise in the particular High Court in which precedence is claimed. We provide for the case of the advocate who is enrolled as such after removing his name from the roll of advocates of another High Court. In such case we consider that he should be entitled to count his precedence from the date on which he was first entitled to practise in any High Court. Further, when a barrister has been called to the bar after admission to practise in a High Court, he should be allowed to take precedence not from the date of his call, but from the prior date of his admission to practise in a High Court. These proposals follow the lines of rules made recently by the Calcutta High Court for the appellate side, but they are intended to apply to the original as well as to the appellate sides.

22. As regards vakalatnamas we have heard much evidence both against and in favour of their abolition. Some would abolish vakalatnamas altogether, others would make them compulsory for all classes of practitioners. Neither course commends itself to us.

The rules regarding vakalatnamas are no doubt abused in some cases, but the system has been in force for many years and we are satisfied that on the whole it has worked well. The courts generally are in favour of their retention, for obvious reasons, and many vakils and pleaders have stated that they regard the vakalatnama as a valuable protection to themselves against the vagaries of their clients. We have been referred to rules made by the Calcutta High Court and other High Courts which are designed to ensure that the taking of a vakalatnama shall not be regarded as a mere formality, and we have no doubt that in the great majority of cases the vakalatnama is a reality and serves a useful purpose.

On the other hand we think that vakalatnamas are now demanded in some cases in which there is no real necessity for them. When a practitioner is required to act a vakalatnama signed by or on behalf of his client is, in our opinion, necessary for the protection both of the practitioner and of the client. But we do not consider that the same necessity exists when the practitioner is only required to appear and plead. Advocates of Chartered High Courts now appear and plead without vakalatnamas, and no difficulty has arisen therefrom.

23. We therefore propose that all practitioners shall be required to file vakalatnamas when they act, but that when they merely appear and plead they shall be allowed the option of filing a memorandum of appearance, signed by them, giving the names of the parties to the case, the name of the party for whom they appear and the name of the person who authorised them to appear. We would not, however, apply this rule, but would maintain the existing practice, in the case of an advocate who under the rules in force can only appear on the original sides of the Calcutta, Bombay and Madras High Courts on the instructions of an attorney. The option of filing a document of either kind is proposed because of the practice which prevails in some parts of the country whereby the names of a large number of practitioners are entered in a vakalatnama and any of them may endorse his acceptance. In many cases it may be more convenient for a practitioner to make use of a vakalatnama which has already been prepared. We propose no alteration in this respect in the rules relating to Mukhtars or revenue agents.

24. This proposal may be criticised as likely to lead to complications. But it must be remembered that in the great majority of cases only one practitioner is engaged who both acts and pleads, and therefore, under the rule we propose, will be obliged to file a vakalatnama. We would add that any difficulty which might result from an unavoidable delay in procuring a vakalatnama is easily met if the courts allow a suit, appeal or application to be filed with a memorandum of appearance on an undertaking that the requisite vakalatnama will be forthcoming as soon as it can be procured and before the case proceeds further.

In the preceding paragraphs we have primarily had in view civil cases. In some parts of India vakalatnamas are and in some parts are not required to enable practitioners to appear, plead or act on behalf of accused persons. We think that it should be left to the High Courts to determine in what courts and in what classes of cases a memorandum of appearance might be substituted for a vakalatnama where a practitioner acts on behalf of an accused person.

Any loss of revenue which might result from the rule which we suggest can be avoided by making the memorandum of appearance liable, as in the Madras Presidency, to the same court-fee as a vakalatnama.

25. We now pass to a consideration of the conditions which are peculiar to the High Courts at Calcutta, Bombay and Madras. In all these courts there is, in varying degrees, a compulsory dual

system of advocates and attorneys or vakils. We have heard many arguments on the merits and demerits of the dual system. Some witnesses have urged that the dual system not only makes for greater efficiency and expedition in the disposal of suits, but is actually no more expensive for the litigant than the single agency, others admit the greater expense of the dual agency but consider that the expense is more than justified by the gain in efficiency, others contend that the dual system is preferable in itself but that it involves additional expense which it is undesirable to impose on the Indian litigant, while others maintain not only that the single agency is cheaper but that a system whereby the practitioner who is going to plead the case has direct access to his client is the best from every point of view. We have heard on the one hand the argument that the single agency is in force in most High Courts and in the mufassil and that no question has arisen as to the efficiency of the system in these cases, on the other hand we have heard witnesses who would welcome the increased efficiency which they hold would result from an extension of the dual system, were it possible, to courts where it is not in force. The views of our Committee on this old-standing controversy are as divided as those of the legal world generally and we are not in a position to give any decision on the merits of the two systems. Notes have been prepared by Mr. Justice Coutts Trotter and Diwan Bahadur T. Rangachariar, representing different views on the question, and are annexed to this report.

26. It follows from this division of opinion between us that we do not recommend any change in this respect of the existing system in India. It would only be possible to make such a recommendation, involving as it would the uprooting of long-established arrangements on the original sides of the Presidency High Courts, if we, as a Committee, were strongly of opinion that the present system is a bad one. As it is we are all agreed that where in India a compulsory dual system is now in existence that system should be allowed to continue. It is on the basis of this conclusion that we shall proceed to discuss the distinctions between advocates and vakils on the original sides of the High Courts at Calcutta, Bombay and Madras.

27. The exclusion of vakils from the original side of the Calcutta High Court is a survival of the time when the Supreme Court had jurisdiction in Calcutta and over certain persons only elsewhere, and the Sadar Diwani Adalat and the Sadar Nizamat Adalat had jurisdiction in Bengal outside Calcutta. Barristers and solicitors alone were entitled to practise in the Supreme Court, while both barristers and vakils were entitled to practise in the Sadar Courts. The position was the same in Bombay and Madras. The High

Courts at Calcutta, Madras and Bombay, which were established in 1862, succeeded to the jurisdiction of the Supreme and Sadar Courts, the original side of the High Court taking the place of the Supreme Court and the appellate side taking the place of the Sadar Courts.

28. In the Bombay High Court there has been in operation for over fifty years a rule whereby a Bachelor of Laws has been able by passing an examination conducted by the Court to qualify himself to become an advocate and so be admitted to practise on the original side. A comparatively recent rule enables the Court to enrol as an advocate without any examination an approved vakil of ten years' standing who is a Bachelor of Laws. In the Madras High Court for nearly sixty years vakils have been entitled to practise on the original side without any restrictions. A Master of Laws who serves a period of apprenticeship may be admitted as an advocate and he becomes entitled to practise on the same conditions as advocates who are barristers. But the Calcutta High Court has never admitted as advocates any persons other than barristers, nor has it allowed vakils to practise on the original side, the result being that no one has been able to qualify himself for admission to the original side except by getting himself called to the Bar in England, Scotland or Ireland.

29. The Calcutta High Court therefore presents the extreme example of this particular distinction of classes of practitioners, since only there is the door to the roll of advocates rigorously closed to all but barristers. It seems likely that if we can find the means of bridging the gulf in Calcutta, we shall have found a solution which it should be possible to apply to Bombay, where the distinction exists, but not in such an extreme form. In Madras, where vakils are admitted to the original side, the conditions are peculiar and will be separately considered later.

30. While admitting that advantages are to be gained from a legal education in England we think that the time has come when another avenue of approach to practise on the original side of the Calcutta High Court must be provided. We have briefly referred to the origin of this restriction in the old Supreme Court, which administered a different law and conducted its business in a different language from the Sadar Courts to which vakils were then restricted. In our opinion the conditions which made this distinction between barristers and vakils the only possible arrangement when the Supreme Court and the Sadar Courts were in existence have to a great extent passed away. The language on both sides of the Court is English, while legal and general education in this country have advanced so far that it is not reasonable to require a man to leave India in order to qualify himself for admission

to the highest grade of legal practitioners. There is always a natural reluctance to abandon any established system which has worked well for the sake of principles, however laudable, when the consequences of a change cannot be accurately foreseen. But it is possible to overestimate the dangers said to be involved in a liberalisation of the rules for admission to the original side in Calcutta. We have no evidence that the rules in force in Bombay have led to any deterioration of practice on the original side there. We have come to the conclusion that it is our duty to suggest some modification of a system which imposes so marked a disability on the Indian in his own country. We are the more impelled to do so by the opinion which we hold that the present system does not always ensure the maintenance of a higher professional efficiency in the practitioner whom it admits to the Advocates' Roll. Under the present rules of the Inns of Court it is possible for any person who has been enrolled as a vakil of the High Court, although he may not have practised as such, to be called to the Bar in one year, during which time he not only sits for the Bar Examination but also reads in chambers. He is then entitled, by virtue of his call to the Bar, to be enrolled as an advocate. There is evidence that some vakils, immediately on enrolment in a High Court, have proceeded to England and got themselves called to the Bar not so much as a means of improving their equipment for a legal career, but for the purpose of obtaining in the shortest possible time a formal qualification which will automatically confer on them material advantages on their return to India.

31. We realise that our proposal to change the rules means taking away from barristers a privilege which they have enjoyed exclusively in the High Court for more than sixty years. We should be reluctant to make any proposal detrimental to any genuine vested interest, but we do not consider nor, we suppose, would it be seriously urged by the supporters of the existing system, that in this case any question of vested interest is really involved. This privilege is one to which the vakil Bar cannot be said ever to have submitted willingly. As long ago as the time of the passing of the Legal Practitioners' Act 1879, Mr. Nanabhai Haridas, who was afterwards a Judge of the Bombay High Court, raised the question whether it was any longer necessary to restrict vakils to the appellate side of the High Courts in the Presidency Towns, and he proposed the omission of what is now the proviso to Section 4 of that Act The feeling has always been present with vakils that this rule was an injustice which should be done away with, and the feeling found expression in correspondence which passed between the Vakils' Association of Calcutta and the High Court during the ten years following 1911.

The case has been strongly represented before us by Vakils and others, and the demands which are now made come with the accumulated force of many years' unavailing effort and the irritation aroused thereby.

32. We realise that any scheme whereby the original side was thrown open without restriction to all who are now practising at the Vakil Bar would lead to a disorganization of existing conditions which no theoretical desire for unification could possibly warrant. We also realise the great difference between practice on the original side and practice on the appellate side. On the other hand we feel that no scheme would be complete which made provision for future entrants into the legal profession but gave no opening to men already practising as vakils, should they elect to do so, to practise on the original side. Our proposals therefore provide both for the present vakils and for the future. We guard against the possible effects of a rush to the original side by imposing conditions which will make the process gradual, and we make provision for the possession of the qualifications which work on the original side demands. The correspondence between the Vakils' Association and the Calcutta High Court shows that the vakils of that Court proposed that the Court should proceed on the lines which we have suggested.

33. We have recommended elsewhere that all who are entitled to plead in a High Court should be called advocates, but in setting out our proposed scheme we refer to those who are not barristers as "vakils" in order to avoid misunderstanding. We should also explain that when we refer to a Bar Council we anticipate the proposals which we shall make later in this report. We propose :—

(1) that vakils of not less than ten years' standing shall be entitled to be admitted at once to practise on the original side;

(3) that vakils of less than five years' standing shall similarly be entitled to be admitted after they have read for one year with an advocate, approved by the Court, practising on the original side. During that year they should be allowed to plead, but not to act, on the appellate side or in the subordinate courts;

(3) that vakils of less than five years' standing shall similarly be entitled to be admitted on the same terms and subject to the same restrictions, but shall in addition pass an examination, to be prescribed by the Court, in commercial law and practice on the original side;

(4) that the rules for the admission of vakils shall provide that a Bachelor of Laws who wishes to practise on the original side of the High Court as well as on the appellate side shall, after passing the examination for the degree of Bachelor of Laws, read for one year with an advocate or attorney, approved by the Court, practising on the original side, and pass an examination, to be prescribed by the Court, in commercial law and the practice on that side. A vakil admitted on these terms should be entitled to practise on the original side in accordance with this scheme;

(5) that the name of a vakil admitted to practise on the original side shall be entered on a special list. A vakil should be entitled at any time to have his name removed from that list, but a name once removed should not be restored to the list;

(6) that as regards practice on the original side, vakils and others entitled to practise on that side shall all be subject to the same rules;

(7) that vakils whose names are on the special list shall be subject to the same restriction as barristers when practising on the appellate side or in the subordinate courts;

(8) that proposals (1) to (3) shall remain in force for seven years from the date when the scheme comes into force, that proposals (4) to (6) shall remain in force for seven years or until they are modified whichever is the longer period, but that proposal (7) shall remain in force for seven years and shall then cease to have effect unless the High Court, if there is no Bar Council, or the Provincial Bar Council with the approval of the High Court otherwise determines.

34. We consider that these proposals should apply equally to attorneys, but that no attorney should be required to pass a further examination, and that those of less than ten years standing should be required, instead of reading with an advocate, to abstain from acting in any court for one year from the date of announcing their intention to apply for admission to practise as advocates on the original side.

35. We consider that the arrangements we propose, while they give no more than reasonable facilities for men to qualify for admission to all sides of the High Court without the necessity of going to England to be called to the Bar, are so devised that they will not result in a rush to the original side which might embarrass

the work of the Bar there and seriously overcrowd the profession on that side of the Court.

36. In Bombay the present conditions are different. Arrangements already exist whereby a Bachelor of Laws can gain admission to the original side by passing an examination prescribed by the Court, but it is to be noted that he cannot present himself for that examination until two years after he has passed the examination for the degree of Bachelor of Laws. There is also a provision whereby Bachelors of Laws who are Vakils of over ten years' standing may become advocates on the invitation of the Chief Justice and Judges. From enquiries made in Bombay we learnt that there are now on the roll of the High Court, as against 333 advocates who are barristers, 33 who passed the Advocates Examination and 10 who were admitted under the ten years rule. The numbers actually practising cannot be ascertained. A witness in Bombay estimated that 85 per cent. of the barristers admitted as advocates in recent years were men who had gone to England as vakils and had taken advantage of the concessions which the Inns of Court allow, and that only the remaining 15 per cent. had completed the full course of twelve terms. From 1903 until recently a vakil was required to keep a minimum of six terms. He may now be called after keeping four terms on certain conditions. These facts seem to us to point unmistakably to the conclusion that the facilities given for the admission of non-barristers as advocates have in fact been extremely limited. We were told that the advocates' examination was until recently, when the standard was lowered, considered difficult, and that even now it is more difficult than the examination for a call to the Bar, and the result has been that rather than wait for the prescribed two years and then try to pass the Advocates' examination many who could afford to go to England have preferred to take the easier and shorter course of becoming vakils and then getting themselves called to the Bar. In fact the call to the Bar has been regarded by many as an easy way round the serious obstacle which the advocates' examination has presented. As regards the ten years rule, which has been in existence in one form or another since 1895, the fact that only ten advocates have been admitted in this way forces the conclusion that the benefit supposed to be conferred is largely illusory. Moreover we disapprove in principle of a rule which enables a Court to make invidious distinctions between practitioners. The result of applying to Bombay the arrangements we have suggested above for Calcutta would be to substitute in the case of the Bachelor of Laws who wishes to be admitted to practise on the original side a period of reading in the chambers of an original side practitioner, followed by an examination in commercial law and original side

practice, for the advocates' examination which he is under the present system required to pass. He would also be relieved of the necessity of waiting for as long a period as two years before he can appear at the examination. We attach the greatest importance to the practical training derived from reading in good chambers, and we consider that the absence of any provision for such reading is a defect in the present rules in Bombay for the admission of advocates who are not barristers. In fact, we wish to add to our recommendations, in connection with the scheme we are proposing for Calcutta and Bombay, that those who wish to practise as vakils only on the appellate side and in the subordinate courts should be required to read with an advocate approved by the Court who is practising on the appellate side."

37. At the same time we consider that in Bombay, as in Calcutta, provision should be made for a limited number of years for those who are now practising as vakils or attorneys of the High Court to obtain admission as advocates to the original side of the Court if they are of more than ten years' standing and to qualify themselves for such admission in the manner which we have suggested if they are of less than ten years' standing.

We therefore recommend that the arrangements which we have proposed above should apply to the Bombay as well as to the Calcutta High Court. The only modifications which we would make in adapting the proposals to the conditions in Bombay is that the restrictions referred to in proposals (2), (3) and (7) should, in the case of Bombay, not extend to the subordinate courts.

38. In the Madras High Court the existing arrangements are peculiar. On the appellate side advocates, vakils and attorneys may and do appear, plead and act. On the original side vakils may and do appear, plead and act, but they cannot appear, plead, or act in Insolvency cases. Advocates, whether barristers or not, may appear and plead only when they are instructed by attorneys or vakils, and they are not entitled to act. In Insolvency cases advocates can appear and plead, but only on instructions from attorneys.

Our colleague Mr. Rangachariar, who is strongly in favour of the unified system, *i.e.*, the system under which all practitioners are entitled to appear, plead and act, would prefer on principle to put an end to what remains of the dual system on the original side of the Madras High Court. He would continue the system of enrolling attorneys, but would provide that all advocates, vakils and attorneys should be entitled to appear, plead and act. He maintains that it would be to the advantage of junior advocates that they should be allowed to act and so be able to get into direct touch with clients instead of being dependent on the retainer of

attorneys. Mr. Justice Coutts Trotter, on the other hand, is strongly in favour of the dual system, and would on principle prefer to make that system compulsory on the original side by requiring that every practitioner appearing and pleading should do so only on the instructions of an attorney or a vakil. Both recognise, however, that since vakils have for about 60 years been entitled to appear, plead and act on the original side and attorneys have been practising as such for an even longer period, their respective proposals would entail a considerable disturbance of existing conditions. The rest of the Committee also feel that this is a case where definite vested interests exist and that these interests should not lightly be overridden.

39. We have accordingly decided to recommend that on the original side an advocate should have the option of appearing and pleading only, in which case he would do so on the instructions of an attorney, or of appearing, pleading and acting in the same way as vakils now do, but that he should not be entitled to do both. We propose that if any advocate wishes to act on the original side he should give an undertaking not to appear and plead on the instructions of an attorney. On the other hand, if a vakil wishes to appear and plead on the original side on the instructions of an attorney he should undertake not to act in any case on that side of the Court. In short, we leave the existing system as it is, but we give to advocates the option of assuming the position which vakils have under the present system and to vakils the option of assuming the position which advocates now have. We feel that in this way vested rights will be safeguarded and at the same time relief will be afforded to junior advocates who wish to avail themselves of the right to act on the original side. We are conscious that the arrangement proposed is not ideal, but we are unable to suggest any other way of dealing with a difficult situation.

It may be that, if Bar Councils are established in accordance with the proposals which we shall make later, the Bar Council at Madras may in the course of time be able to devise a more satisfactory solution.

40. We are all agreed that the practice in Insolvency cases in Madras should be assimilated to that which we proposed above for the original side. We are also agreed that a curious inequality regarding fees on the original side should be removed. At present if an advocate appears on the instructions of an attorney the latter's bill of costs is taxed between party and party in the usual way and various fees are allowed both for the advocate and the attorney according to a prescribed scale. But if an advocate appears on the instructions of a vakil or if a vakil appears with

or without another vakil there is no regular taxation of costs between party and party, but the vakil's fee is calculated as in the mufassil courts on an *ad valorem* basis, that is, it depends on the value of the subject matter in dispute. The result is that if the successful party is represented by an attorney he receives from his adversary an amount which is commensurate with the costs actually incurred by him, but if he is represented by a vakil he receives on account of his vakil's fee the amount allowed on the *ad valorem* scale and certain amounts on account of witnesses, etc., but nothing on account of the expense, which may be considerable, incurred by his vakil in the preparation of the case. The High Court has full powers to deal with the matter, and we recommend that no time should be lost in equalising the practice for advocates and vakils. We suggest that if costs are to continue to be taxed on an itemized scale as between party and party when an attorney is engaged, the Court should at least have discretion, when there is no attorney, to allow more than the *ad valorem* fee when it is obvious that other costs have actually been incurred, as, for instance, when a case has been prepared by a second vakil or when two vakils appear and the case of sufficient value or importance to warrant special treatment. We may note that a provision already exists whereby the Court can certify for two counsel on the original side, and on the appellate side can allow for more than one advocate or vakil.

41. Before we pass from the subject of the distinctions which exist between the different branches of the legal profession in India there are certain other distinctions which require consideration. There are certain appointments which by Statute are reserved for barristers. For instance, under Section 101 (4) of the Government of India Act, 1919, not less than one-third of the judges of a Chartered High Court, including the Chief Justice but excluding additional judges, must be barristers of England or Ireland or Members of the Faculty of Advocates in Scotland of not less than five years' standing. Again, a barrister of five years' standing may be appointed to be a judge of a Chartered High Court, whereas a vakil must be of ten years' standing before he can be appointed. Another distinction is that vakils are, while barristers are not, according to most authorities, liable to be sued for negligence in the conduct of a case, while vakils may, but barristers may not, according to most authorities, sue for their fees.

With regard to appointments, we are of opinion that no appointments should be reserved for barristers as such. All those who are entitled to practise in a High Court should be equally eligible for appointments reserved for members of the legal profession. Neither a barrister of only five years' standing nor a

vakil of only ten years standing is likely to be appointed to be a judge of a Chartered High Court, but the rule as regards standing should be the same for all classes of practitioners. Our recommendations in respect of these distinctions are supported by the great majority of those whom we have consulted.

42. In practice the distinction relating to suing for negligence and being sued for fees is not of great importance. Suits by or against legal practitioners in respect of fees and the conduct of cases are extremely rare. But we consider that in any case in which a legal practitioner has 'acted' or agreed to 'act' he should be liable to be sued for negligence, and entitled to sue for his fee.

IV.—Proposals for the establishment of an Indian Bar and Bar Councils.

43. It is believed that the first proposal for the establishment of an Indian Bar was made by Lord Haldane, who was of opinion that the training and education offered to Indian students by the Inns of Court in England was unsatisfactory and that it was not desirable that Indians should be encouraged to go to England to qualify themselves for admission to the legal profession in India.

Giving evidence before Lord Lytton's Committee in July 1921, he advocated the establishment of a Bar in India to which men should be called, and the setting up of a Council to which all questions of legal education, control, enrolment and disciplinary action should be transferred. It is not known whether Lord Haldane had ever visited India or whether he intended to advocate the establishment of an All-India Bar as distinct from provincial Bars. But it is noticeable that he referred to Manitoba, which has a Bar of its own distinct from the Bars of other provinces in Canada. On the whole it seems probable that he had not formed any definite opinion on the question whether one Bar should be constituted for the whole of India or separate Bars for the different provinces.

44. In India the first definite public proposal for the establishment of an Indian Bar seems to have been made by Mr. Iswar Saran when he moved a Resolution in the Legislative Assembly in 1921, recommending "legislation with a view to create an Indian Bar so as to remove all distinctions enforced by statute or by practice between barristers and vakils". He disavowed any desire to prevent Englishmen from joining the Bar in India or Indians from getting themselves called to the Bar in England with a view to practising in India, but he recommended that all such persons should be called to the Indian Bar in the same way as they may be called to the Bar in the self-governing dominions. He

advocated the abolition of all distinctions between barristers and vakils as regards precedence, pre-audience, the production of vakalatnamas and eligibility for judicial appointments, and he proposed to set up statutory bodies consisting of members of the legal profession to provide for the education of law students and to take over the powers of the High Courts as regards the admission and control of legal practitioners. He reserved for further consideration the question whether the Bar should be organised on an all-India or on a provincial basis. On behalf of the Government of India it was stated in the Assembly that they were prepared to be guided by the expression of definite constructive public opinion. The Government of India proceeded to collect opinions on the subject of the Resolution, attention being directed to the following specific questions :—

(1) Whether the constitution of the Bar should be by an Act of the Legislature or otherwise.

(2) The organisation of a Council of Legal Education.

(3) The disciplinary powers of such a body.

(4) The changes, if any, which the proposed scheme would necessitate in the existing law.

(5) The desirability of separating or uniting the functions of solicitor and counsel in India.

(6) The effect which the constitution of an Indian Bar would have on the tendency of Indian students proceeding to England to be called to the Bar.

45. In September 1922, Mr. K. C. Neogy introduced into the Assembly a Bill to remove the distinction between barristers and vakils as regards the right to practise on the original side of the High Courts at Calcutta and Bombay, and in the same year Mr. Girdhari Lal Agarwala introduced a Bill to relieve all practitioners from the necessity of filing vakalatnamas.

Opinions on both these Bills were collected in the usual way and the Bills were referred to Select Committees. Before the Committees could make their reports our colleague Diwan Bahadur T. Rangachariar introduced into the Assembly a Bill to ' consolidate and amend the law relating to Legal Practitioners in India and to empower the Government of India and Local Governments to establish Bar Councils in each Province '. We think it unnecessary to state in detail the provisions of this Bill, for Mr. Rangachariar described them as being only of a tentative character, and stated in effect that his object was to call attention to the different questions involved in the proposals to establish an Indian Bar.

46. We have had little difficulty in coming to the conclusion that it is not practicable to set up an all-India Bar in the sense of a body of legal practitioners admitted to practice and controlled by one central authority for the whole of India. The notion of an all-India Bar has proved attractive to some minds as being in accordance with what is called the national movement. But it is not possible to have an all-India Bar in any real sense unless there is to be throughout India a single type of advocate possessed of the same qualifications and entitled to practise in all the courts of the country. It might perhaps be possible to secure uniformity in the three Presidencies, but our enquiries in the different places which we visited have satisfied us that elsewhere this would not be possible. The tendency is for the presidencies and provinces to develop on their own lines, education is more advanced in some than in others and the same degree of proficiency cannot at present be attained or insisted on throughout India. From a practical point of view nothing is to be gained by setting up a central body which shall prescribe different qualifications for admission to the profession in the different provinces. A central body would necessarily have inadequate knowledge of local conditions, and apart from Burma, where opinion is strongly opposed to that province being included in any all-India scheme, there are not wanting indications that a provincial Bar would not readily submit to being governed by a body which would necessarily contain a majority of members insufficiently acquainted with its special needs and difficulties. Another consequence of the establishment of an all-India Bar in the sense indicated above would probably be the removal of the language and residence tests which have been devised by some provinces in order to protect themselves against their stronger neighbours. The latter test is presumably based on deliberate considerations of policy which we do not feel entitled to interfere with as it were by a side wind. Most of those who advocate an all-India Bar appear to do so on the ground that it would be difficult, if not impossible, to set up in each province a Committee or Council of legal practitioners independent and strong enough to exercise satisfactorily and with general acceptance the powers now entrusted to the High Court. There is force in this consideration, but we think that if an ultimate controlling authority is required, as in our opinion would certainly be the case, it would be better to rely upon the High Court of the province concerned than upon an untried all-India authority. It is conceded by those who advocate the constitution of an all-India Council that it would be necessary for that body to delegate its disciplinary authority to provincial Councils. Busy practitioners could not be expected to attend frequent meetings of an all-India Council at places far distant from their homes, and judges would hardly feel justified in

doing so. Any useful purpose which might be served by the constitution of an all-India Council, such as the gradual co-ordination of standards, could in our opinion be as well attained by occasional meetings between representatives of provincial Councils or even by correspondence between them.

47. No institution corresponding to an all-India Council with definite powers of control is to be found in any other part of the Empire. The English, Scottish and Irish Bars are entirely distinct from each other, although there is a Supreme Court of Appeal for the United Kingdom. Canada has a Supreme Court in which barristers, advocates, solicitors, attorneys and proctors of any of the provinces may practise. But each province has its own separate Bar constituted by provincial legislation. Practitioners in the different provinces are not even designated by the same title.

The Commonwealth of Australia has a High Court in which any person may practise who is entitled to practise in any of the States either as barrister or solicitor or both, and the High Court also has power to enrol its own practitioners. But each State in the Commonwealth has a separate Bar attached to its own Supreme Court. In some of the States there are both barristers and solicitors. In others, for example in Victoria, the functions of barristers and solicitors are united in one person. In America there is no such thing as an United States Bar. Each of the 48 States has its own Bar and the Federal Union also has its Bar. The Federal and State Bars are linked together by the establishment of voluntary organisations, such as the well-known American Bar Association, in which representatives of the different Bars meet for the purpose of discussing legal reforms, qualifications for admission to the Bar and legal education. If provincial Councils are established in India we see no reason why their representatives should not form a similar association. Apart from the circumstance that India has no Supreme Court conditions are probably less favourable in India to the establishment of one Bar for the whole country than they are either in Canada or Australia.

48. While we are of opinion that the establishment of an all-India Bar or all-India Council is not practicable we think that the time has come when the bars attached to some of the High Courts should be accorded a measure of self-government. At present legal education is almost entirely in the hands of the Universities, and such influence as the Bar can bring to bear on it is due to individual members of the Bar being members of the Faculties of law and the Bar has no control direct or indirect over the prescription of qualifications for admission to the profession. Moreover as regards the important question of discipline, the only power which the profession now has is the power to exclude practitioners from

its associations and informally report cases of misconduct to the Courts.

Where Bar Councils are established they should, we think, be given some definite representation on the Faculties of law. For the present it is unlikely that the Bar will be able itself to make arrangements for the education of students, though it may be able to supplement the education given by the Universities by the provision of practical training or lectures on the procedure of the Courts and the duties of members of the legal profession. If the Bar were to undertake the entire training of candidates for the profession the Faculties of law would probably cease to exist. We think it best to preserve the existing University law courses, which appear generally to give satisfaction and to ensure reasonable efficiency; and not to supersede them until it is demonstrated that a more efficient machinery is ready to take their place. That has certainly not been shown to our satisfaction.

49. As regards admission to the profession and the discipline of practitioners there is a strong demand in all the provinces that powers should be conferred upon local Bar Councils similar to those which are exercised by the governing bodies of the Bars in the United Kingdom and the self-governing dominions. At the various centres which we have visited and from witnesses who came from places which we have been unable to visit we have enquired whether at all, and if so to what extent, the different Bar and Vakils' Associations have endeavoured to exert their influence in such matters. We regret to say that the result of our enquiries is not such as to enable us to feel confident that Councils at all the High Courts would at present be able to make the best use of the power which witnesses have suggested should be conferred upon them.

Our enquiries have made it clear that the bars at the different centres vary greatly both in their numerical strength and in the prestige which attaches to them: and we think it would be impossible to suggest a uniform system based on a supposed equality of membership or authority of the bars in all the centres which in fact does not exist.

50. In the Punjab we found that there has been in existence for a number of years a Bar Council, consisting of the President of the Bar Association, two senior lawyers nominated by the Association and two members selected by the Judges, of whom one must be an advocate or vakil practising in the High Court and the other is ordinarily the Registrar. This council is appointed under the direct authority of the High Court, and is intended to act

as a disciplinary committee. It has power to inquire into charges of misconduct against advocates and pleaders practising in the Punjab, such cases being referred to it by the Judges or brought to its notice by complaint made to it by any member of the legal profession or by any association of legal practitioners. If the Council holds that a charge of misconduct has been established, it submits its proceedings with a recommendation to the High Court. But there is a provision in the rules whereby the Council can, in cases where it is alleged that a fee has been paid but not earned, dispose of the case itself, by ordering a refund, and if its decision is accepted by the practitioner complained against and a refund is made, the case is not reported to the Court at all. We were informed that most of the cases which come before the Council are disposed of in this way. We heard further that in spite of the power of the Council to deal with cases brought to its notice by an individual practitioner or an association, it was never called on by either to deal with such a malpractice as touting, which all admitted to be rampant in the Punjab. In fact it was generally admitted that under the conditions now existing there a Bar Council at Lahore would not function at all unless it were entirely controlled and guided by the Bench.

51. There can however be no doubt that throughout India abuses exist with which the courts cannot deal effectively without the assistance of the Bar. We think that the stronger bars should be empowered by law to assist the courts in this and other matters, and we are not without hope that when definite powers are vested in them they will make a real effort to act up to their new responsibilities.

52. Many different suggestions have been made to us as regards the composition and powers and local extent of the jurisdiction of Bar Councils. For example, some would constitute Councils entirely on an elective basis, while others would have a certain number of ex-officio members or give power to the High Court to nominate a certain proportion of the members. Some would have the Councils composed entirely of legal practitioners, while others would include judges also. Some would hand over unconditionally to the Councils all the disciplinary authority now exercised by the High Courts, while others would reserve a right of control to the High Courts by way of appellate or revisional authority. Others again would reserve all disciplinary authority to the High Courts and invest the Councils with no more than an advisory capacity. In view of the great variety of opinions which we have received and the ill-concealed doubts in the minds of responsible witnesses whether it is safe to entrust Bar Councils with the powers now exercised by the High Courts, and in particular whether the

Councils can be expected to be free from communal, political and religious influences, we feel that entirely uncontrolled power should not be conferred upon them at present.

53. A system which is suitable for one country may be entirely unsuitable for another, and it would not be safe to assume that any of the systems in force in the Empire would be entirely suitable for India. But as the claim now made that the Bar in India should be allowed to govern itself is avowedly based on the systems which prevail in the United Kingdom, the self-governing Dominions and the United States, it may be desirable to state shortly the essential features of some of those systems. In England the right to call to the bar is vested in the Inns of Court, governed by Benchers, being past and present judges and senior members of the Bar. Regulations have been made by the Inns regarding the admission of students, their examination and the calling of them to the bar. Disciplinary authority is exercised by the Benchers and there is a right of appeal to the judges as Visitors. A recent instance of the exercise of the right of appeal shows that it is by no means confined to cases in which a barrister has been disbarred. In Ireland the system is much the same, except that the disciplinary authority of the Benchers is not so extensive as in England and the appeal lies to the Lord Chancellor. The admission of solicitors in England is conducted by the Law Society under the authority of rules made by the Master of the Rolls. Previous to 1919 a Committee of the Society could recommend to the court that a solicitor should be struck off the rolls. Since 1919 the Committee has had power to strike a solicitor off the rolls, but an appeal lies to the court at the instance either of the solicitor or of the person who instituted proceedings against him.

The High Court of Australia makes rules regarding the admission of persons to practise in the court and alone has power to strike a practitioner off the rolls.

In New South Wales and Queensland practitioners are admitted by a Board consisting of the judges, the Attorney General and two barristers. In South Australia the Supreme Court makes rules for the admission of practitioners. The Law Society may enquire into complaints of misconduct by practitioners and make a report to the Court, which may call for further enquiry if necessary. Final orders are passed by the Court.

In Victoria there is a Council of Legal Education which may make rules to be laid before Parliament as to examination, articles and admission of practitioners. The Law Institute has powers similar to those of the Law Society in South Australia.

In Western Australia practitioners are admitted by a Board. The same Board has power to enquire into cases of misconduct and report to the Court.

In Tasmania also practitioners are admitted by a Board. The Law Society has certain disciplinary powers, but the power to strike off the rolls rests with the Court.

In New Zealand the Court makes rules regarding the qualification and admission of practitioners. The Court alone has power to suspend or strike off the rolls. In South Africa, admission to the profession is under rules made by the Court, which has power to suspend or strike off the rolls.

In Canada the Bars have somewhat larger powers, according to the latest legislation on the subject.

In British Columbia there is a Law Society governed by Benchers who educate, examine and call students to the Bar, and admit solicitors. They may suspend, disbar or strike off the rolls for good cause any barrister or solicitor; but their order is subject to appeal to the judges of the Supreme Court as Visitors.

In Manitoba also there is a Law Society governed by Benchers who have powers similar to those of the Benchers in British Columbia. But the Court has a similar power and can restore a barrister or solicitor struck off the rolls by the Benchers.

In Ontario there is a Law Society governed by Benchers who have power to suspend or disbar or strike off the rolls both barristers and solicitors. The court has power to restore a solicitor, but in the case of a barrister the power of the Benchers appears to be absolute.

In Newfoundland the system is the same, but there is a right of appeal to the Supreme Court.

In the United States of America each State determines for itself what shall be the qualification of candidates for admission to its own Bar. In almost all the States the power to admit to practise and to disbar rests with the court. In Washington the power rests with the State Board of examiners.

54. This summary is not complete, but according to the latest information available is accurate as far as it goes. It will be seen that in none of the countries, states or provinces mentioned, except in the province of Ontario, has the Bar been invested with final disciplinary authority, and in Ontario the last word rests with the Court in the case of a solicitor. It is necessary to emphasise this point because it has been made clear to us in the course of our

enquiries that many who expressed themselves in favour of wholly independent Bar Councils in India with final disciplinary authority have done so in ignorance of the fact that they are advocating an institution which is almost without parallel in the Empire or the United States of America. The constitution of Bar Councils of any kind is an experiment the value of which can only be tested by experience, and it is in our opinion unthinkable that the first flight should carry the Bar in India to a position which the English Bar, with centuries of traditions and experience in self-management, has never yet aspired to. We have found in nearly all the responsible views we have heard on this subject a feeling that in one way or another the authority of the High Courts should be retained. And even those witnesses who would give final authority to a Bar Council have generally desired that the High Court should be represented on the Council itself. From the evidence we have heard we think it would be unduly optimistic to believe that in all provinces the Bar Councils will be wholly immune from religious, political or communal influences; and we doubt whether a Council could always be assured of having the full weight of professional opinion behind it if it dealt severely with a case of misconduct. Nowhere, on the other hand, have we heard any complaint regarding the way in which the High Courts have exercised their powers, and we feel that we can only interfere with an established system which is generally admitted to have worked well if we ensure that the system to be set in its place has a reasonable chance of continuing the work successfully. If the first step taken is successful and the experiment proves that Bar Councils can exercise their powers to the satisfaction of the High Courts, the legal profession and the public, there is no reason why their powers should not be gradually increased. But in the meantime we would move with caution, and, while we all agree that Bar Councils should be constituted at certain places, we would not give them greater powers than we feel they can properly exercise.

The great majority of advocates and vakils in India act as well as plead. They are in immediate contact with the lay public and their position is to be compared rather with that of the solicitor than with that of the barrister in England and elsewhere. It will be seen that the powers which we propose should be given to Bar Councils are similar to those exercised by the Incorporated Law Society in England up to the passing of the Solicitors Act, 1919.

55. For the purpose of our proposals regarding Bar Councils, Assam having no separate High Court and comparatively few legal practitioners must be treated as part of Bengal. Sind could not conveniently be brought under a Bar Council at Bombay, and

probably would not willingly consent to such an arrangement, were it possible. Similarly we think that there can be no question of placing the Bar in Oudh under a Bar Council at Allahabad. Territories outside the Governors' Provinces are not affected by our proposals. In those territories there are many courts having the powers of High Courts at which we think it would be impossible to set up Bar Councils. We have been unable to visit Nagpur, Karachi and Lucknow, but the opinions which we have received from those places and the evidence which we took ourselves at Lahore lead us to doubt whether it would be advisable to establish Bar Councils at those four centres. For the present we recommend that statutory Bar Councils be established only at Calcutta Madras, Bombay, Allahabad, Patna and Rangoon, but that provision be made for setting up Councils at Lahore, Nagpur, Karachi and Lucknow when experience has been gained of the working of the Councils at the centres we have indicated.

56. We have already said that we look forward to the time when pleaders and others entitled to practise only in subordinate courts will disappear and all legal practitioners will be entitled to practise in the High Courts as well as in the subordinate courts and revenue offices. For this reason and also because we think that it would be better for the present to confine the membership of and electorate for the Bar Councils to the highest grade of legal practitioners, that is, those who are Advocates of the High Courts, we propose that all other legal practitioners should continue as at present to be enrolled and controlled by the High Court.

57. A Bar Council, if it is to function properly, must be a small and compact body. We propose that the number of members should be limited to 15. Four should be nominated by the High Court, including, where possible, the Advocate General or the Government Advocate and the Government Pleader. The remaining eleven, of whom six should be advocates of at least ten years' standing, should be elected by Advocates of the High Court, provided that in Calcutta and Bombay the High Courts should determine how many of the eleven should be Advocates entitled to practise on the original side. The first Councils should hold office for 3 years, the term of office of subsequent Councils being determined by rules to be framed by the Councils themselves.

58. The question whether judges should be members of a Bar Council has been much canvassed. Some judges have stated that they would object to serve on a body in which they would necessarily be in a minority, and we feel that there might be difficulties when questions of discipline were under discussion or when, as we hope will not be the case, the councils are liable to be affected

by extraneous influences. We propose therefore that the nominated members also should ordinarily be advocates. But the evidence which we have taken suggests that for the present it may be advisable in some places for judges to assist the Councils by their presence. We would therefore leave it open to the High Courts to nominate judges past or present if they think proper.

59. We recommend that a Bar Council should have power to make rules subject to the approval of the High Court in respect of the following matters :—

(*a*) The qualifications, admission and certificates of proper persons to be advocates of the High Court.

(*b*) The powers and duties of advocates.

(*c*) The conduct of any examination which may be prescribed by it and the fees to be paid for appearing at the same.

(*d*) Legal education, including the delivery of lectures to students and the fees chargeable therefor,

(*e*) Matters relating to the discipline and professional conduct of advocates.

(*f*) Procedure and practice in cases falling within the disciplinary jurisdiction of the Council.

(*g*) The method of holding elections of members of the Council and all matters incidental thereto.

(*h*) The meetings of the Council, the quorum necessary for the transaction of business, the election of a President or other officer and the appointment of committees for special purposes.

(*i*) The period for which a Council, after the first Council, should hold office and the filling of vacancies occurring between elections.

(*j*) The terms on which advocates of another High Court may be permitted to appear occasionally in the High Court to which the Council is attached and

(*k*) any other matter prescribed by the High Court.

The rules regulating the election of the first Council and the filling of vacancies before rules are made by the Council should be made by the High Court, and it should be provided that no rules shall be made affecting the special provisions we have suggested for the original sides of the Calcutta and Bombay High Courts so long as those provisions remain in force.

60. A Bar Council should have power either of its own motion or on complaint or on a reference by the High Court to inquire into all matters of the kind referred to in sections 12 and 13 of the Legal Practitioners Act, 1879, breaches of rules and other improper conduct in which an advocate of the Court is concerned, and make a report to the High Court with a recommendation as to the action, if any, to be taken by the Court.

A Bar Council should also be entitled to be heard in any matter relating to the admission of an advocate or in support of any report made by it to the court.

61. The existing disciplinary jurisdiction of the High Court should be maintained, but the Court should be bound before taking disciplinary action against an advocate, except in regard to contempt of court and the like, to refer the case to the Bar Council for enquiry and report. On receipt of a report from the Bar Council the Court should be empowered itself to make or require the Council to make further inquiry. At the request of a Bar Council or on its own motion a High Court should be authorised to order an enquiry to be held by a local court.

Provision should be made for procuring with the sanction of the court the attendance of witnesses and production of documents required by the Council for an inquiry, and witnesses should receive the same protection as when they give evidence before a court.

The High Courts should retain their power to fix the amount payable by a party in respect of the fees of an adversary's legal practitioner.

62. We have expressed elsewhere our opinion that attorneys should continue to be enrolled as such in the three Presidency High Courts where alone they are to be found in any numbers. We have excluded attorneys from the Bar Councils which we have proposed, because although some witnesses were in favour of giving the Bar Councils powers of control over all classes of practitioners, including attorneys, the great majority, including the attorneys themselves, supported the view that attorneys should have a completely separate organization.

In Calcutta there appear to be 275 attorneys, of whom 206 belong to the Incorporated Law Society. In Bombay also there is a considerable number of attorneys, of whom 147 are members of the Incorporated Law Society.

In Madras there are about 30 attorneys, nearly all of whom belong to the Attorneys' Association, which is not an incorporated

body. In Calcutta there was a difference of opinion on the question whether the Incorporated Law Society should be given statutory power to control its members. In Bombay the President of the Society stated his personal opinion that such power should be given. The fact appears to be that neither Society is really interested in the question or has given it much thought. If the Societies in Calcutta and Bombay make a definite request that statutory power of control should be given to them we see no reason why the request should not be granted. In that event we would suggest that disciplinary power should be given to them similar to that enjoyed by the Incorporated Law Society in England before the passing of the Solicitors Act, 1919, namely, power through a Committee to enquire into cases of alleged misconduct and to make a report to the Court.

The number of attorneys in Madras being so small, it is doubtful whether it would be practicable to give them statutory power of control. They appear to be content to remain under the control of the High Court.

V.—Miscellaneous.

63. There are one or two matters to which reference should be made before we close our report. In the first place we would discuss briefly the effect which our proposals may be expected to have on the recruitment of barristers, whether English or Indian, to the Indian Bar.

64. Lord Lytton's Committee found that in October 1921 there were 337 Indian students on the rolls of the Inns of Court. It is believed that there are now well over 500. But in both cases the number includes men who take the course not with any intention of practising in the courts but as part of their general education while they are studying for entry into the public services.

Between 1901 and 1920 no less than 1,997 Indians joined the Inns of Court. The chief reasons which in the past led such large numbers of Indians to go to England to be called to the English bar appear to have been that it was considered to be much easier to pass the Bar examination in England than to qualify as a vakil of a High Court in India, and that there were distinctions between barristers and vakils in such matters as precedence, eligibility for appointments and practice on the original sides of the High Courts.

65. The Bar examination in England is more difficult than it used to be and the standard of general education required for admission to an Inn of Court is higher than it formerly was. Further all the Chartered High Courts except Lahore now require

more than a mere call to the Bar as a qualification for the enrolment of a barrister as an advocate. In many instance, as indicated in an earlier part of this Report, an applicant for enrolment is required to have read in the chambers of a barrister in England or to have other qualifications. The provisions referred to appear to have resulted in a diminution in the number of barristers enrolled in courts which require qualifications beyond that of a call to the Bar. The average number of barristers enrolled in the last four years in the Lahore High Court, which is content with a mere call to the Bar, is 20, while the total yearly enrolments in the High Courts at Calcutta, Madras, Bombay, Allahabad and Patna together amount to an average of only 25; and of the 42 enrolled in Calcutta in the four years just one half were vakils who availed themselves of the shorter course with reading in chambers in England.

With the special privileges hitherto enjoyed by barristers we have already dealt and if our proposals in this connection are accepted there will not be the inducements which now exist for students who do not also desire a University education in England to go there for their legal education.

66. The evidence recorded by us and by the committee presided over by Lord Lytton leads us to the conclusion that in the past a considerable number of students have gone to England insufficiently equipped and so have not had the opportunity of availing themselves to the full of the educational facilities there provided. We are far from being opposed to students going to England, enlarging their general knowledge there and profiting by the better teaching there available, but we are of opinion that only fully equipped students or those who also wish to take advantage of an English University course are likely to gain real benefit by such a visit. We anticipate, however, that with the removal of distinctions between barristers and vakils and the prospects which we propose shall be open to advocates educated in India to hold the highest posts in the legal profession the number of those who go solely for the purpose of a call to the English Bar will be diminished

67. In the past many Englishmen have come out to the country to practise in the Indian courts, but of late years their numbers have decreased, though a certain number still come out to Rangoon and a few have recently joined the Lahore and other High Courts. There is a consensus of opinion that in the past the presence of Englishmen practising in the courts has been a source of strength to the Bar itself and we would do nothing to discourage their coming, but they should be admitted to practise as advocates on terms equivalent to those on which Indians are admitted.

68. We desire to add a few words regarding the rule of some of the High Courts which makes reading in chambers in England a necessary or alternative qualification. Under Regulation 44 of the Consolidated Regulations of the Inns of Court a vakil may be exempted from keeping a certain number of terms if he produces a certificate from a practising barrister *approved by the Council of Legal Education* that he had read for 12 months in that barrister's chambers. Reading in suitable Chambers in England is in our opinion most valuable, but it cannot be expected that the Council of Legal Education will take upon itself the burden of finding or approving of chambers for Indian students to whom Regulation 44 does not apply. It is difficult for other Indian students to find suitable chambers and we fear that there can be no doubt that reading in chambers in England has been in many cases a mere formality. We think that the High Courts should consider the advisability of allowing Indians to read with an approved Indian practitioner instead of reading in chambers in England, at least when it is shewn that the individual cannot obtain entry into suitable chambers in England.

69. We would next refer briefly to a system which we found to be in existence in certain places in India, namely the system of partnerships between legal practitioners. We apprehend that there is nothing in the conditions on which a student is called to the Bar in England which prevents him from entering into partnership with other legal practitioners in countries in which such partnerships are permitted or recognized. Partnerships between legal practitioners of all classes have long been recognised in Rangoon and Karachi and have been found to suit the conditions prevailing in those towns. We think that such partnerships should be permitted wherever all classes of legal practitioners are entitled to act as well as to appear and plead.

70. We feel that our report would not be complete without some reference to an evil which was brought prominently to our notice in the course of our enquiry. The evidence which we have received leaves no doubt that touting of various kinds prevails in most parts of India. The law with reference to touting was strengthened in 1896, but has proved entirely ineffective. The plain fact is that unless the legal profession assists the courts to suppress touts little can be done by way of legislation.

One of the principal causes of the existence of this evil is the serious overcrowding of the legal profession. Touting has undoubtedly increased with the increase in the numbers admitted. It would appear that in some provinces in the near future there will not be any necessity to retain the lower grades of legal practitioners. If the profession of the law is closed to all but those who

have qualifications entitling them to practise in the High Courts and the qualifications of entrants are raised, the number admitted should not be excessive and it may be possible to enforce a higher standard of discipline.

We trust that the Bar Councils will regard the suppression of touting as one of their principal concerns.

71. In conclusion we desire to express our warm appreciation of the services of our Secretary, Mr. J. H. Wise, I.C.S., who made all the arrangements for our tour and has been of great assistance to us in the preparation of our report.

E. M. D. CHAMIER,
President.

V. M. COUTTS TROTTER.

S. R. DAS.

H. P. DUVAL.

HENRY J. STANYON.

T. RANGACHARIAR.

L. M. BANERJI.

S. S. PATKAR.

M. M. CHATTERJI.

J. H. WISE,
Secretary.

Delhi, the 1st February 1924.

MEMORANDUM BY MR. JUSTICE COUTTS TROTTER.

The Dual Agency.

The following memorandum is intended to put forward what in my opinion can be said for the maintenance of the dual agency, where it already exists, and is not in any way to be taken as a plea for its extension to any court where it does not exist and to which our unanimous report does not suggest that it should be extended. I have written it deliberately in my own name, though of course after careful discussion of the matter with all my colleagues; I have done so on full consideration, because I necessarily am compelled to express opinions on controversial topics, to which I do not wish to bind any of my colleagues except in so far as they desire to subscribe to them specifically.

The witnesses who canvassed the rival merits of the dual and single agencies directed themselves in the main to three topics, efficiency, purity and costliness: and I propose to deal with these in that order. I have made a special study of this matter, and besides my experience of both systems as a judge sitting in Madras, I have for my own satisfaction done the following things over and above hearing the evidence given before us. In the first place, I read through a number of counsels' briefs kindly put at my disposal by firms of solicitors or advocates in Bombay, Calcutta and Rangoon. Secondly, I attended the trial of original suits in all three courts. In Rangoon, owing to the non-appearance of witnesses who had volunteered themselves, but had failed to come forward, I had nearly two whole days available for the purpose.

The question is one which for practical purposes only concerns the High Courts of Bengal, Bombay and Madras. In Bengal barristers have the sole right of audience on the original side and can only appear when instructed by an attorney. Furthermore, a barrister in Bengal cannot appear on the appellate side, unless instructed by a solicitor or a vakil, and in the mofassil he must be instructed by a vakil or pleader. In Bombay, advocates must be instructed by an attorney on the original side, but can take instructions from an attorney or vakil on the appellate side and direct from the client in the mofassil. In Madras, the two systems exist side by side. A barrister can in theory take instructions either from an attorney or a vakil: in practice hardly any barrister ever appears except on the instructions of an attorney. On the other hand, a vakil can appear on the original side of the Madras High Court instructed directly by the client. In Rangoon there are a few solicitors—only three said to be in active practice, and many

barristers; but the dual agency does not exist, and the client has direct access to the advocate who is going to conduct his case in court. These being the facts, I propose to deal with the question under the three heads I have outlined.

Efficiency.—I do not think that any disinterested enquirer can doubt that under the dual agency, the work of preparing and presenting cases to the court is infinitely better done than under the other. Subdivision of labour and specialization everywhere tend to efficiency, and markedly so in the law. The mere fact of having to put together a brief, *i.e.*, the materials on which another man will fight the case in court, tends to completeness and compactness of preparation. The documents are properly inspected, copies are prepared for the use of counsel and judges, irrelevant evidence, whether oral or documentary is weeded out, and the whole material is focussed on the true issues of the case. Proper proofs of the witnesses are taken and they are confined to what is relevant. Under the system of the single agency, cases are prepared in a much more slipshod way : the inspection of documents is perfunctory, irrelevant matter is most inadequately excised, and the court gets far less efficient assistance all round. The matter of course affects the client, who is necessarily a gainer by having his case well presented to the court; but it affects the courts even more. The situation was graphically summed up by a Bombay judge who had experience of both systems : of the single agency as Judicial Commissioner in Karachi, of the dual as a High Court Judge in Bombay. He is a civilian and not a barrister judge, and therefore can have no associations or predilections to obscure or prejudice his judgment : and he said that he could get through as much work in an hour in Bombay under the dual agency as he could get through in a day at Karachi under the single. Similar testimony abounded from witnesses who are familiar with both systems. No doubt some allowance must be made for the fact that the most skilled practitioners naturally tend to practise in the highest court of original jurisdiction, rather than in an up-country centre, however important : but I feel no doubt that most of the increased efficiency should be ascribed to the system and not to the superior qualities of individual practitioners. My perusal of the briefs put at my disposal confirmed this view entirely. The Bombay and Calcutta briefs were complete in every respect, such briefs as a barrister in England would expect to receive from a good firm of solicitors—clear instructions, complete copies of documents and carefully drawn proofs of all the witnesses. Any advocate could perfectly well conduct the case on the materials so put before him. The Rangoon briefs were altogether a different affair—those on the appellate side doubtless had a complete record, but on the

original side they were unintelligible; a copy of the pleadings and interlocutory orders, copies of a few but by no means of all the letters, no proofs of witnesses, no extracts from the account books of the opposite side. No one could possibly have conducted the case from the haphazard bundle called a 'Brief', unless he had seen all the witnesses and gone through the documents personally. This impression was confirmed by what I heard in court of trials in progress. In Bombay and Calcutta everything was ready to hand and the cases were got through promptly and in a business-like way. In Rangoon I heard the trial of a heavy commercial suit involving 2 lakhs before a trained commercial judge. The barristers who appeared had worked up their own briefs, and the result was chaos and an appalling waste of time—I heard 2 hours spent in a roving enquiry into the contents of a ledger: had it been properly inspected and proper notes made on inspection, the whole of the relevant entries could have been put before the court in five minutes. Both sides were represented by eminent counsel, members in each case of a leading firm: but counsel on both sides were obviously picking up their real case as they went along.

The reason is clear: an advocate who is busy in court all day cannot give the time to get up his materials properly. He must have conferences, draw pleadings and write opinions when he is not actually arguing in court, and the preparation of cases for hearing is patently neglected. It may sift itself out in the end, but it involves a great waste of judicial time, and one cannot wonder that there are serious arrears in courts whose time is so whittled away. In Madras, the vakils on the original side do their work very well: but that is because the substance of the dual agency prevails there. The work, other than that which goes to solicitor and counsel, is on the whole very adequately handled. But it is all in the hands of a few men, who each have in their office a team of juniors who get up their cases for them, inspect the documents and take notes for the use of the leader in court, and take proofs of the witnesses The result is reasonably satisfactory from the point of view of the dispatch of business: it has other evils which will be best dealt with under the head of costliness. It has driven the work into very few hands: and the leading vakil on the original side is credited with having 40 per cent. of the cases which do not go to attorneys and barristers. In cases on the Madras original side where junior vakils are employed who have no assistants to get up their cases for them, they are presented to the court in a state of confusion, and the judge has to muddle along as best he can, at the cost of endless waste of time. Indeed, it constantly occurs that he has to point out what materials are necessary for a proper trial of the case, and adjourn it for them to be procured and produced.

2. *Purity.*—A good deal of misunderstanding prevailed about this, and it was very difficult to get the witnesses who advocated the rival systems to understand the opposite point of view. The protagonists of the single agency appeared to think that the dual agency involved that no barrister should ever see his client before the trial in conference in any circumstances. They dilated on the advantage to the barrister of knowing what his client's case was from his own lips, and on the satisfaction derived by the client by coming into personal touch with the man who was actually going to conduct his case. The advocates of the dual agency at times used language which suggested that no honest practitioner could see a client or a witness without contamination and without yielding to the temptation to coach him as to what exactly he was to say to suit his case.

I do not share either of these extreme views. Barristers in England constantly have conferences with their lay clients brought to their chambers for the purpose by the instructing solicitor. Again every barrister can and must see expert and professional witnesses in conference in order to understand the trend of their evidence, which would otherwise be unintelligible to him. But he does not see and does not take the proofs of witnesses who are to speak to facts, which under the single agency he must do. I have no doubt that it is a great advantage in the interests of a high professional standard that he should not. The most scrupulous practitioner who examines witnesses out of court cannot help unconsciously conveying to the witnesses' mind what evidence would be most useful to the case. It is said that the attorney under the dual agency is subject to the same temptation. In my opinion it makes all the difference that the man who interviews the witnesses is not the man who is going to examine them in court. The rule against leading questions in examination in chief loses much of its force if the examiner has been in contact with the witness. I fully accept our joint conclusion embodied in our report that it would be impracticable to impose the dual agency on courts where it does not exist—as it would be impracticable to forbid solicitors from appearing as advocates in country courts in England. But that the dual system is a valuable safeguard against malpractices, and tends to the independence and dignity of the Bar, I do not question, and I think it would be a retrograde step to abolish it in those courts where it has taken firm root, *i.e.*, Calcutta, Bombay and to a certain extent Madras.

Moreover, the single agency undoubtedly opens the door to touting, and the evidence before us leaves little room for doubt that that evil is rampant in Indian courts despite all the efforts that

have been made to curb it. Touting is of course possible under the dual system, but it is much more difficult and consequently much more rare.

3. *Costliness.*—Every one fixes on this as the vulnerable point in the dual system, and on the surface it is easy enough to say that in the nature of things two men must cost more than one, and very few of our witnesses said anything more than that. The careful figures given to us by the Taxing Officer at Calcutta appear to show conclusively that under the existing scale, litigation under the dual agency on the original side is extremely moderate in its cost in that city, and no one has suggested that it costs any more in Bombay or Madras than it does in Calcutta. No doubt you could get the work more cheaply done—possibly by a single agency, but I do not gather that there is any real dissatisfaction with the dual system in the Presidency towns, where the contested suits are substantial in the amount at stake or the principle involved or both, and where the litigants are more concerned to have their work well done than to quarrel over items in a bill of costs. The alternative system is the *ad valorem* fee; and so far as it obtains in High Courts on their original sides, it appears only in Burma and Madras, which require separate examination.

As to Burma, there is no taxation of profit costs, as distinct from out of pocket, by an officer of the court by items. But the trial judge has a discretion to indicate the proper *ad valorem* scale which should be applied to a given case and acts as a rough and ready taxing master. Such a method must proceed largely by impression and guess work, and it is obvious that the costs so fixed as between party and party, must in many cases fall below what is legitimately charged as between solicitor and client; and a proper Taxing Officer would doubtless allow many charges as between party and party which at present are irrecoverable from the losing side. At the same time so far as could be gathered, the system works without great dissatisfaction: and I gravely doubt whether barristers working as in reality they do under the single agency in Burma would have the time or the equipment to prepare proper bills of costs with items.

In Madras the results of the co-existence of the two systems side by side in original suits, are obviously anomalous and unfair in their incidence. Where a vakil appears there are of course inevitably present the inherent vices of the *ad valorem* system. A case involving a large sum may be defended merely to gain time, and when it comes to trial go through practically as an undefended case, casting no burden of work on the plaintiff's vakil, and yet he gets a heavy *ad valorem* fee allowed against the other side.

On the other hand, a difficult and complicated suit may entail elaborate preparation, may raise a question of vital importance, and yet, because the actual sum of money at stake is small, may carry with it a trivial fee recoverable from the losing side. Worst of all, there is a maximum vakils fee of Rs. 1,000 for profit costs, which cannot be exceeded: and may apply to a case which has involved months of careful preparation, and has perhaps occupied several days at the trial.

All this matters little to the vakil in assured practice. His fee as between himself and his client he fixes without reference to the *ad valorem* scale, but according to the amount of work he expects to have to do in the case though of course the *ad valorem* fee allowable is naturally his minimum. But it works out in practice that no vakil of any standing in the court will take up a case at any figure that is not far in excess of the *ad valorem* fee recoverable from the losing side. That is obviously unjust to the client who has to pay fees which are a reasonable remuneration for the work done, but a large portion of which he cannot hope to recover from the other side And of course the vakil in large practice has to keep up an office and a staff of juniors to get up his cases for him. He charges his client with a fee which covers a proportion of these matters; not one rupee of that part of his fee is recoverable from the other side. It is said that some junior vakils are content to appear for *ad valorem* fees, because it levels itself up: while they are underpaid for what they do in some suits, they are overpaid in other That may be well enough for them, but it is no consolation to the losing side in the latter class of case. Moreover, in the big commercial centres, the continued existence of the solicitor is absolutely vital to the community The big business concerns have millions of English capital invested in them, and employ thousands of Europeans in their direction and supervision of the vast number of Indian workmen in their employment. They require to have the type of advice that they can only get from a solicitor trained in the English system—it is immaterial whether he is Indian or European by birth, and no racial question whatever is involved. A solicitor is a man with a business training, altogether apart from his knowledge of law: and neither a barrister nor a vakil has that training The solicitor is entirely a creature of the dual agency, and if it goes, he goes with it. But he is indispensable to the business world; and I see no way to preserve him other than by continuing the dual system where it now obtains. To my mind, any attempt to weaken the present system in the big commercial towns would be a rash and unwarranted experiment and might gravely jeopardise the commercial and industrial future of India.

In Rangoon, there are very few solicitors though it is a big commercial and industrial town. As against that, firms who do not have a solicitor partner, usually have one who has had the training of a chancery barrister, and is therefore accustomed to drafting and advisory work whether in connection with the transfer of property or the formation of companies or the settling of business agreements. In the firms which only contain barristers, the position may not unfairly be summed up by saying that one of the partners (usually one trained in chancery chambers) has practically turned himself into a solicitor, and concentrates on the class of work undertaken by his firm which would be done in England by a solicitor.

I am quite aware that advocates of the single agency claim that vakils exist who are as competent as solicitors and attorneys to serve the needs of the commercial community of India. I am convinced that any one who will impartially compare the training required from an attorney and its nature, with that required from a vakil, will see that it plainly cannot be so. It also fails to be observed that the vakils who protest themselves able to do what I may call solicitors' work have large practices as advocates, which they do not for a moment propose to relinquish; on the other hand, no solicitor who gave evidence before us indicated the slightest desire to be given any opportunity to practise as an advocate in the higher courts. The inevitable conclusion is one that I do not hesitate to draw, and put forward with any weight that may be ascribed to my personal experience in Madras. I do not believe that any one who claims the right to appear in court as an advocate and who has not gone through the training involved in the serving of articles is fitted in the least to do the class of work which properly appertains to the solicitor. In a place like Madras, leading vakils with an office of junior assistants may undertake drafting work which is done in the rough by their juniors and finally supervised by themselves. Neither junior nor leader has been through the mill that the solicitor has, and the leader who professes to look through the draft spends the greater part of his day as an advocate in court and can have little time left over to supervise drafts, even if he were a skilled draftsman, which in fact he is not. If vakils in any appreciable number wish to become solicitors, I would grant them facilities for doing so, and tide over the difficulty of their not having served their articles in the ordinary way. But it would be an essential condition that they should abrogate the right to appear as advocates and I question whether they would welcome such an option. The lay client is the person who has to be protected, and it is a useless pretence to offer him the services of a man who purports to be considering his case in office, but in

reality is fighting cases in court as an advocate all his time, and leaves his office work to his juniors.

V. M. COUTTS TROTTER.

Delhi, the 1st February, 1924.

We agree with the above.

S. R. DAS.

M. M. CHATTERJI.

NOTE BY DEWAN BAHADUR T. RANGACHARIAR.

THE DUAL SYSTEM.

During the anxious and prolonged discussion we had in Committee during the last week on the problems before it, there are 3 or 4 guiding principles which we kept prominently in view—at any rate which I kept in view—in making suggestions and accepting suggestions.

It was recognised almost at the outset, that the conditions varied from province to province, that no question was to be decided merely on *a priori* reasoning as to the merits or demerits of any particular system in the abstract, that we must maintain the state of things where it has existed for long, that vested interest should not be lightly disturbed, that local opinion should be respected and favoured whenever possible, that violent or sudden changes should not be introduced in any province, and that any changes which were recommended should be so framed as to cause the minimum amount of disturbance.

It was in the view mentioned above we have refrained from considering the merits or demerits of the dual system as we find it in each province and our conclusions stated above were reached quite apart from this consideration.

We have, however heard evidence on this point and from my long experience in a province where both the systems have been in vogue in the same court, I have come to some definite conclusions and I place them on record for what they are worth as the question is bound to come up again sooner or later.

I consider that the dual system is quite unsuited and unnecessary even for the original side of the various High Courts in the 3 Presidency Towns and the advantages claimed for that system are more or less problematical and are not substantial enough to make it necessary to keep up a variety different from the prevailing one which has taken root throughout the whole country. I will shortly substantiate this position by a few main considerations.

The best evidence in support of this conclusion is that actual experience gained by the concurrent trial of both the systems in the capital city of the Madras Presidency where alone the conditions under which the trial took place over a long period have been fairly equal on both sides. Neither in Bombay nor in Calcutta have the conditions been favourable for instituting a fair comparison. The class of suits tried in the different courts in the mofussal and the calibre and equipment of the Bar or of the Bench there are very different from what obtains in the High Court. The unitary system to use a short expression has almost displaced

the dual system in Madras and during all the years this process has been going on, there has been no sign of any dissatisfaction either from the Bench or from the public. On the other hand warm advocates of the dual system on the Bench of the Madras High Court hitherto candidly recognised that " the vakils on the original side do their work very well ", " that work is adequately handled ", " the result is reasonably satisfactory from the point of view of despatch of business " and that " the situation so far as litigation is concerned works well enough ".

There has been no complaint of any importance that the tone of the Vakil Bar in Madras is not all that is desirable. Only recently Sir Walter Schwabe, the Chief Justice who retired last month, paid a high compliment to the Vakil Bar for their ability and for the way in which the traditions of the English Bar are being kept up by them and he favoured unification. The greatest compliment that can be paid to the way the unitary or fusion of functions system has worked in Madras lies in the fact that the Madras Government advocates that the unitary system should be made universal there.

The barristers in Madras though brought up in the English traditions, in a body, demand unification. There are only one or two who cling to the dual system.

There has been no complaint on the part of the litigant public that their work was not properly attended to or that justice suffered by reason of the fusion of functions. On the other hand if the voice of the litigant public is to be any factor at all, I am almost certain that the litigant public would protest against the dual agency, especially having regard to the enormous cost which that system would entail in a poor country like this. There has been no agitation from within the ranks of the profession in the presidency, that the profession must be reorganised on the basis of a dual agency in the interests of efficiency or otherwise.

It will be recognised that much may be said on both sides arguing on *a priori* grounds. There are two sides to every question and advocates, eminent ones too, are not wanting on either side.

On the one hand it has been urged that the dual system contributes to efficiency as the result of a division of labour, that it brings into existence a band of specialists, that the advocate who is not in touch with the client and has not been collecting materials for a case is likely to bring to bear a freshness of outlook in the conduct of a case, that it at least makes one section of the profession clean, that it imparts a dignity and prestige to the Advocate because of his non-identification with the client, owing to the interposition of a professional gentleman between himself and the

client. On the other hand, it has been urged with equal force that the virtues claimed for the dual agency are imaginary, that it is purely a historical accident in England, that in the early stages of man's profession it is impossible to demarcate the professional functions, that there is no necessary incongruity and antagonism between the pleading and acting functions, that advocacy is the best school of law, that the average practitioner under the single agency system has good working, all round knowledge and is better than either the Barrister or Solicitor of the dual agency system, that there is no high principle involved in compelling a young man to make choice when he enters the profession and closing the door against all honourable ambition and putting an embargo upon the full play of talent in the case of one set of practitioners, that the dual agency strikes at the fundamental principle of the administration of justice in making litigation so expensive as to act as a deterrent to the poor man in asserting his just rights.

At any rate it cannot be said that there is anything sacred or inviolable in the dual agency system, when we find that is not the system obtaining in the great continent of America or in most of the Colonies, and in most of the courts in this country. Viscount Bryce bears testimony to the fact that in spite of the non-existence of the dual agency in America the profession as a whole has stood on a level with the profession taken as a whole in England and that the Bar in America has reached a power and social consideration relatively greater than the Bar ever held on the eastern side of the Atlantic. In recounting the advantages of the single agency system in the light of American experience he points out that the average city practitioner in America is a much better lawyer than the average Barrister or Solicitor. The single agency system affords a far better prospect of speedy employment than the beginner who is not strongly backed can look to in England. He says that according to the universal witness of laymen and lawyers no man who combines fair talent with reasonable industry fails to earn a competence within six or seven years of his career and to have an opportunity of showing whether he has in him the makings of something great. The gain to the client is still clearer and even those very few American Counsel who say that for their own sake they would prefer the English plan admit that the litigant is more expeditiously and effectively served where he has but one person to look to and deal with throughout. It does not suit him, say the Americans, to be lathered in one shop and shaved in another.

Even in England in recent times there has been a sharp difference of opinion though it must be admitted that the volume of opinion in favour of the total abolition of the existing system is no

quite strong as yet. It is somewhat noteworthy that such an eminent authority as Sir Edward Clarke was in favour of the fusion of functions. Lord Haldane has advised it for India. A section of Solicitors and a section of the Junior Bar have also been in favour of the single agency system as practice tends under the dual agency to drift into the hands of a few practitioners who were influentially connected or who are related to Solicitors. The late Mr. Benjamin who was acquainted both with the English and American systems was of opinion that for countries not having a historic Bar, it would be difficult to maintain the separation which exists in England.

My own experience in Madras amply bears out most of the claims made on behalf of the single agency system in America.

In the original side the Vakil both acts and pleads. It is true in important causes a senior practitioner is associated with a junior practitioner in the work of preparation. But the question is not whether in the case of a very busy practitioner a junior is also associated with him but whether the junior if he does merely the junior counsel's and Solicitor's work in certain cases does not also do in certain causes what may be called an advocate's work of arguing cases and of examining witnesses. I know of a number of young men who are doing the preparation and the instructing work as well as what I might call the pucca advocate's work of conducting and arguing cases and to their credit it must be said they do the one kind of work quite as efficiently as the other kind of work. This is quite different from the dual system as it is understood in England.

Under this system more than 80 per cent. of the cases on the original side is done by Vakils for both the parties.

There are about 150 Vakils who have work of some sort or other on that side, of whom more than 50 have a fair amount of work, earning Rs. 500 a month or upwards—*vide* Mr. Grant and Mr. V. V. Srinivasan.

In the Madras High Court with its limited quantity of original side work, with only two courts (sometimes only one) sitting to hear cases I should say that that is a very fair distribution. In Calcutta, with its heavy original side, with four times the work, the evidence was that only two dozen barristers got on and the optimistic correction made later was that 40 men make a living.

In Bombay, where the work of the original side is even very much larger, with 7 courts sitting, there was the same story. In fact, the evidence given by the Bar Association, Madras, and by Mr. Justice Devadoss was that they advocated the unitary system because the juniors would have a better chance of getting work from the larger number of patrons, the clients, than the

smaller number the attorneys. In the appellate side in Madras the work has spread out considerably. A casual perusal of the original side cause lists, has convinced me that a fairly large amount of work on the original side is in the hands of nearly 70 to 80 Vakils and a very small quantity of work in the hands of four or five attorneys or attorney firms. During the first ten years of my practice between 1891 and 1901, there was a much larger volume of work in the hands of attorneys and counsel on the original side.

Luckily some of the more serious objections to the attorney system have been removed from the unitary system as it prevails in Madras.

It is considered unprofessional for a Vakil to stipulate for fees varying with the result of a cause. He is not to engage himself in any business without the express permission of the Court.

It is not considered honourable conduct for a Vakil to get an interest in the subject matter of the litigation in which he is engaged. There is a professional robe also to remind him constantly of the honourable profession to which he belongs. In such matters the vakil's position is more approximate to that of a Barrister and with the safeguards the fusion of functions in Madras has tended to efficiency and popularity and to the existence of a fairly high tone in the profession.

The conditions even in the Presidency Towns are quite different from what they are in England. The language of the court is not the language of the client or of the witnesses. There are only very few cases in which Europeans are parties. Probably one in 2 or 3 hundred. The Indian client will never be content unless he goes to the man who handles his case in court. The Indian witnesses are nervous and timid set of people and have not the intelligence or education of English witnesses. There are great advantages to be gained by direct interview with the witnesses on the part of the advocate. The Indian Attorneys have not the same knowledge, ability or training to handle Indian witnesses and to elicit all they know as the experienced Advocates can. Leading questions are as much prohibited under the dual as under the other systems. The European Attorney is at the mercy of his interpreter often his own clerk. He does not know the language, is not familiar with the customs and manners nor with the language or method in which documents and accounts are written and kept. The dual system with the European Attorney with a European Barrister means to the client he is at the mercy of the Attorney's clerk. The great advantage to the profession in my view from the fusion system as it prevails in Madras is both the senior and the junior profit by it. The junior of to-day becomes the

senior of to-morrow and very soon becomes a leader. The opportunity for work, for contract with clients and for getting known to the Judges and to leaders in the profession is great and within a very short time the juniors of merit are able to set up business on their own account. Almost every leading man within my experience emerged out of this system. Justice Sundara Ayyar worked with Sir Subrahmania Ayyar, Sir K. Srinivasa Ayyangar first with Willie Grant and later with Sundara Ayyar, S. Srinivasa Ayyangar with Sir V. Bashyam Ayyangar also Sir V. C. Desikachariar and C. R. Tiruvenkatachari. Similarly T. R. Venkatarama Sastri, with Sir P. S. Sivaswamy Ayyar, Alladi Krishnaswami Ayyar with Sundara Ayyar and later with Sir K. Srinivasa Ayyangar, C. P. Ramaswami Ayyar with Kumaraswami Sastri and many others like that. I was myself working with Mr. Wedderburn for the first 5 years of my practice on the appellate side. The senior when he becomes a senior is fully equipped for his work having gone through the various stages himself. All these things will cease to exist if the dual system is to be made compulsory. The risk of contamination with the witnesses is there always. Is it not there to the attorney? Is his branch considered any the less honourable? Eminent Counsel in Calcutta, Mr. Pugh, was a barrister first, an attorney next and is now a barrister. What about the hundreds of barristers practising in the other High Courts and in the districts and in the Colonies? They have not suffered by contamination. The chances of abuse are less if you leave that risky work to be done by a superior man. So long as the safeguard of preventing undue interest in the subject of litigation is there, the risk is not a serious one. Both in America and in our own country the tone has not deteriorated on this account.

An iron-bound caste system of attorney and advocate is detrimental to the attorney and is not as good to the advocate as the fusion system. Average ability is less under the dual system. The attorneys look to the counsel for even simple questions. If despatch of business in court is secured under the dual system it is because the work gets into the hands of a few leading counsel. They know the judges and judges know them. But is that desirable? If there is laxity in preparation under the unitary system, a little attention on the part of the trying judge is bound to set it right.

We cannot have perfection in this world! If so we must be importing the best judges from England. Can we get them? In the case of the dual system there is divided responsibility to the client. The last word as regards efficiency is certainly not in favour of the dual agency. True the mechanical portion is better done; The materials are methodically arranged, neatly got up

As regards intellectual preparation the other system in which two people jointly work is decidedly more suited. The junior and the senior in the unitary system are both in touch with the main essentials of the case. The Advocate is responsible to the client. There are opportunities for frequent consultation without the incubus of piling up fees. The client gets the advantage of his legal advisers picking the brain each of the other—there is more harmony among them as they are each other's choice and the legal advisers getting into direct touch with the client and therefore more thorough with the facts. The Indian client cannot unburden himself as easily as the Englishman. The hands of the clock will be moving and the bill of costs also.

There is undoubtedly the risk of the Advocate identifying himself unduly with the clients' interests. Some identification is necessary in the Advocate. He is not to assume to himself the functions of a Judge.

But as Lord Haldane has remarked :

" There is only one real safeguard and that is to have an *esprit de corps* among the Bar and a high standard of honour that would search out and repress inequities far better than any amount of technical rules ".

Litigation under the dual system is more expensive and I cannot accept any protestations to the contrary. There is always a tendency to mount up costs against the defeated party by unnecessary proceedings. When I was working with Mr. Wedderburn, I have seen pages and pages of quotations from Lindley on Partnership or such other books in the briefs delivered to him. Mr. Inverarity has referred to this tendency in his evidence. The tendency for securing agreements with the client is there. If it is said that the unitary system is more conducive to touting, the dual system encourages nepotism and undue interest in the result of the case. The Solicitor's ugly daughter and multiple pounding are well known sayings. It is also stated that struggling junior barristers are faced with heavy handicaps in the shape of sons and nephews of Solicitors. There will always be black sheep under any system. Man-made laws during the ages have not destroyed crimes. It is impossible to affirm that a larger percentage of dishonourable persons are produced under one system rather than the other. When it is admitted that in over one thousand and odd civil courts in the country where by far a larger number and more important and intricate cases are disposed of the dual system is unsuited, it requires a very strong case to force it and that partially on three courts. The survival in that area of the system is due to historical accident. The reason for its existence was that English law as such applied to that

No. F.-591—23.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

JUDICIAL.

RESOLUTION.

Delhi, the 26th March, 1924.

The Indian Bar Committee, with Sir E. M. desC. Chamier, Barrister-at-Law, as President, was appointed by the Governor General in Council under the orders contained in the Resolutions of the Government of India in the Home Department, Nos. F.-591-23-Judicial, dated the 7th and 17th November, 1923, respectively. The Committee assembled at Bombay on the 23rd November, 1923, and after visiting and recording evidence at several places, submitted their report to the Government of India on the 7th February, 1924. Before coming to final conclusions upon the proposals of the Committee, the Governor General in Council considers that the Report should be placed before the public, and he has accordingly been pleased to order that it shall be published for general information.

2. The Governor General in Council desires to take this opportunity of expressing his high appreciation of the services rendered by the President, Sir Edward Chamier, and by the Members of the Committee.

3. From the estimates received from the Secretary of the Committee, it appears that the total expenditure which has been incurred by the Committee and will be incurred in the printing of the Report will be about Rs. 1,17,000.

Order.—Ordered that a copy of the above Resolution be communicated to all Local Governments and Administrations, the Calcutta High Court, and the Legislative Department for information.

H. TONKINSON,

Joint Secretary to the Government of India.

DELHI
GOVERNMENT CENTRAL PRESS
1924

East India (Civil Services in India)

Report of the Royal Commission on the Superior Civil Services in India.

Dated 27th March, 1924.

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THE ROYAL COMMISSION.

GEORGE R.I.

GEORGE THE FIFTH, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India, to

Our Right Trusty and Well-beloved Cousin and Counsellor Arthur Hamilton, Viscount Lee of Fareham, Knight Grand Cross of Our Most Excellent Order of the British Empire, Knight Commander of Our Most Honourable Order of the Bath; and

Our Trusty and Well-beloved:—

Sir Reginald Henry Craddock, Knight Grand Commander of Our Most Eminent Order of the Indian Empire, Knight Commander of Our Most Exalted Order of the Star of India, late Lieutenant-Governor of Burma;

Sir Cyril Jackson, Knight Commander of Our Most Excellent Order of the British Empire;

*Sir Chimanlal Harilál Setalvad, Knight, Member of the Executive Council of the Governor of Bombay;

Khan Bahadur Sir Muhammad Habibullah, Sahib Bahadur, Knight, Companion of Our Most Eminent Order of the Indian Empire, Member of the Executive Council of the Governor of Madras;

Rai Bahadur Hari Kishan Kaul, Companion of Our Most Exalted Order of the Star of India, Companion of Our Most Eminent Order of the Indian Empire, Commissioner, Punjab;

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Bhupendranath Basu, Esquire, Member of the Council of India; and

Reginald Coupland, Esquire, Beit Professor of Colonial History in Our University of Oxford.

Greeting!

Whereas, having regard to the necessity for maintaining a standard of administration in conformity with the responsibilities of the Crown for the Government of India, and to the declared policy of Parliament in respect of the increasing association of Indians in every branch of the administration, and in view of the experience now gained of the operation of the system of government established by the Government of India Act in respect of the superior Civil Services in India, We have deemed it expedient that a Commission should forthwith issue to enquire into:—

(1) The organisation and general conditions of service, financial and otherwise, of those Services;

(2) The possibility of transferring immediately or gradually any of their present duties and functions to services constituted on a provincial basis;

* Sir Chimanlal Setalvad resigned his membership of the Commission on 22nd Oct., 1923, and his place was filled by the appointment, on 26th Oct., 1923, of Mr. N. M. Samarth.

(3) The recruitment of Europeans and Indians respectively for which provision should be made under the Constitution established by the said Act, and the best methods of ensuring and maintaining such recruitment; and to make recommendations:

Now know ye, that We, reposing great trust and confidence in your knowledge and ability, have authorised and appointed and do by these Presents authorise and appoint you, the said Arthur Hamilton, Viscount Lee of Fareham (Chairman); Sir Reginald Henry Craddock; Sir Cyril Jackson; Sir Chimanlal Harilal Setalvad; Sir Muhammad Habibullah; Hari Kishan Kaul; David Petrie, Bhupendranath Basu and Reginald Coupland to be Our Commissioners for the purposes of the said enquiry.

And for the better effecting the purposes of this Our Commission, We do by these Presents give and grant unto you, or any three or more of you, full power, at any place in Our said United Kingdom of Great Britain and Ireland, or in India, to call before you such persons as you shall judge likely to afford you any information upon the subject of this Our Commission; and also, whether in Our said United Kingdom, or in India, to call for information in writing; to call for, have access to and examine all such books, documents, registers and records as may afford you the fullest information on the subject, and to enquire of and concerning the premises by all other lawful ways and means whatsoever.

And We do by these Presents authorise and empower you, or any one or more of you, to visit and personally inspect such places as you may deem it expedient so to inspect for the more effectual carrying out of the purposes aforesaid.

And We do by these Presents will and ordain that this Our Commission shall continue in full force and virtue, and that you, Our said Commissioners, or any three or more of you, may from time to time proceed in the execution thereof, and of every matter and thing therein contained, although the same be not continued from time to time by adjournment.

And We do further ordain that you, or any three or more of you, have liberty to report your proceedings under this Our Commission from time to time, if you shall judge it expedient so to do.

And Our further will and pleasure is that you do, with as little delay as possible, report to Us under your hands and seals, or under the hands and seals of any three or more of you, your opinion upon the matters herein submitted for your consideration.

Given at Our Court at *Saint James's*, the fifteenth day of June, one thousand nine hundred and twenty-three, in the fourteenth year of Our Reign.

By His Majesty's Command,

W. C. Bridgeman.

(14230) Wt. 3356/433 2,500 5/24 Harrow G.71.

TABLE OF CONTENTS.

		PAGE.
INTRODUCTION	.. ..	1
Chapter I.	—The Genesis of the Commission	3
	The All-India Services	4
	The Islington Commission	4
	The Montagu-Chelmsford Enquiry	5
	Subsequent Developments	5
	PART I.	
Chapter II.	—Appointment and Control of the Services ..	7
	Services operating in Reserved Fields.... ..	7
	Services operating in Transferred Fields ..	7
	Central Services	9
Chapter III.	—The Indian Medical Service	10
Chapter IV.	—The Public Service Commission	13
Chapter V.	—Indianisation	16
	Indian Civil Service	18
	Indian Police Service	19
	Indian Forest Service	21
	Indian Service of Engineers	21
	The Indian Agricultural Service, the Indian Veterinary Service, the Indian Educational Service and the Indian Medical Service ..	22
	Central Services	22
	PART II.	
Chapter VI.	—Pay and Allowances	24
	Indian Police Pay	28
	Overseas Pay (General)	29
	Remittance Privileges (General)	30
	Administrative Posts	31
	Women's Branch, Indian Educational Service	31
	Central Services	31
	Judicial Pay in the Indian Civil Service ..	32
	Technical Pay in the Indian Service of Engineers and Superior Telegraph Branch	32
	Pay of Military Officers of the Political Department	33
	Pay of Specialist Officers	34
Chapter VII.	—Passages	35
Chapter VIII.	—Pensions	38
	Indian Civil Service	38
	Uncovenanted Services	40
	Miscellaneous Appointments and Services ..	41

PAGE.

Chapter IX.—Proportionate Pensions, Provident Funds, and Family Pension Funds 42

Chapter X.—Safeguards 45

General 45

Existing or Accruing Rights 46

The Safeguarding of Pensions 49

The Commutation of Pensions 49

The Safeguard of a Legal Covenant 49

Votability of Government Contributions to Provident Funds 50

The Position of Specialist Officers 50

Position of All-India Officers not appointed by the Secretary of State 51

Chapter XI.—House Rent, Medical Attendance and Leave Rules 51

Chapter XII.—Burma 55

Special Note relating to date from which recommendations should take effect 56

Chapter XIII.—Recruitment.. 56

Methods of Recruitment 58

Short-term contracts 60

Chapter XIV.—General 61

Procedure as to evidence 61

Interdependence of agreed conclusions .. 62

Chapter XV.—Summary of Recommendations 62

Minute by Mr. Bhupendranath Basu on the recommendation in para 68 76

APPENDICES.

I.—Questionnaires 77

II.—Lieutenant-General Sir C. H. Burtchaell's proposals for the reorganisation of the Medical Services in India 92

III.—Tables showing the changes proposed in the emoluments of the All-India Services 101

IV.—Higher Administrative Appointments :—

(1) Note by English Commissioners 108

(2) Note by Indian Commissioners 109

V.—Articles of Agreement for Officers of the Indian Educational Service 110

VI.—Appendix III. of the MacDonnell Committee Report .. 113

VII.—Estimate of the Cost of the Proposals in the Report .. 114

MINUTES RELATING TO THE REPORT BY COMMISSIONERS SIGNING THE REPORT.

PAGE.

By Professor R. Coupland—

The Control of the Services 116

By Professor R. Coupland and Sir Cyril Jackson—

I. The Staffs of Chiefs' Colleges 124

II. The Open Competitive Examination 125

By Sir Reginald Craddock—

Minute upon certain of the conclusions of the Royal Commission 127

The Application of the Royal Commission's Proposals to Burma 139

The Emoluments of the Superior Civil Services of India, with tables shewing Scheme of Pay for various Services .. 147

By Mr. Petrie 176

INDEX 182

ROYAL COMMISSION ON THE SUPERIOR CIVIL SERVICES IN INDIA.

REPORT.

TO THE KING'S MOST EXCELLENT MAJESTY.

MAY IT PLEASE YOUR MAJESTY,

We, the undersigned Commissioners having been appointed to enquire into :—

(i) The organisation and general conditions of service, financial and otherwise, of the superior Civil Services in India ;

(ii) The possibility of transferring immediately or gradually any of their present duties and functions to services constituted on a provincial basis ;

(iii) The recruitment of Europeans and Indians respectively for which provision should be made under the Constitution established by the Government of India Act, and the best methods of ensuring and maintaining such recruitment ;

humbly submit to Your Majesty the following Report :—

1. In considering the matters referred to us, we have throughout borne in mind the terms of our Warrant of Appointment which laid stress on " the necessity for maintaining a standard of administration in conformity with the responsibilities of the Crown for the government of India, and the declared policy of Parliament in respect of the increasing association of Indians in every branch of the administration, and the experience now gained of the operation of the system of government established by the Government of India Act in respect of the superior Civil Services in India."

2. We assembled in India, at Delhi, on 4th November, 1923, and addressed ourselves in the first instance to the task of revising, and finally approving, the terms of the provisional questionnaires which had been drawn up by the Chairman and which we had determined should be the principal method employed to ascertain the trend of representative official and non-official opinion on the subjects comprised within our terms of reference. Copies of

these questionnaires, as approved and issued, are printed as Appendix I to this Report. The main distribution of these questionnaires was undertaken on our behalf by Local Governments. They were also published widely in the Press. Some 1,300 replies were forwarded to us direct by individuals and associations scattered throughout the length and breadth of India, in addition to about 100 from Great Britain, the latter on the basis of the provisional questionnaires issued by the Chairman in England. Of these witnesses 411, official and non-official, have been further examined orally, more than half of them in private in accordance with their request.

3. After preliminary and informal conferences at Delhi with the Secretaries to the Government of India in the Home, Legislative, Army, Foreign, Political, Industries and Labour, Education and Health and Lands Departments, and with other officers, we proceeded successively to Allahabad, Bombay, Madras, Calcutta, Patna and Lahore for the purpose of supplementing the evidence contained in the written replies to our questionnaires by the oral examination of selected witnesses, and by private and informal conferences with Provincial Governments. In the course of these travels the distance covered by the Commission approximated to 6,500 miles. Pressure of time, and considerations of economy, led us to decide not to visit the Central Provinces, Burma, Assam, the North-West Frontier Province or Baluchistan, but arrangements were made by which witnesses from the Central Provinces were heard at Bombay, those from Burma and Assam at Calcutta, and those from the North-West Frontier Province at Lahore, while the written statements submitted by witnesses from Baluchistan proved sufficient for our purpose so far as that administration was concerned.

4. We returned to Delhi in February, for the purpose of recording evidence from a number of officials and heads of Departments in the Central Services serving under the Government of India, including the Director-General of Posts and Telegraphs, the Chief Commissioner of Railways, a Member of the Central Board of Revenue and the Auditor-General, and from a number of officers of All-India Services working at the headquarters of the Government of India, including the Director-General of the Indian Medical Service, the Inspector-General of Forests, the Agricultural Adviser and the Educational Commissioner. Subsequently we proceeded to Mount Abu, Rajputana, for the consideration of our present Report which we concluded there on 27th March.

5. We desire to take this opportunity of recording our appreciation of the trouble and labour expended by the recipients of questionnaires in the preparation of their written replies. The considered and exhaustive nature of these documents has been of the greatest possible assistance to us in our deliberations.

We gladly record also, our obligations to the Government of India and to the various Local Governments for their courtesy in placing office and other accommodation at our disposal, and generally facilitating the prosecution of our enquiries.

CHAPTER I.

THE GENESIS OF THE COMMISSION.

6. The great majority of Government officials in India are divided into classes corresponding to differences in the responsibility of the work performed and the qualifications required. These classes are organised for the most part as "Services." This Commission is concerned only with the highest or the Superior Civil Services dealing with each branch of the administration. The second class of Services is usually known as "provincial"; the third class as "subordinate"; and with these the Commission is not directly concerned.

The Superior Civil Services themselves are divided into two classes, according as they administer subjects which are under the direct management of the Central Government in India or subjects which are primarily controlled by the Provincial Governments. The former class consists of the Central Services, which deal, *inter alia*, with the Indian States and frontier affairs, the administration of the State Railways, with Posts and Telegraphs, Customs, Audit and Accounts, and with scientific or technical departments such as the Survey of India, the Geological Survey and the Archæological Department. The other class which works primarily under the Provincial Governments comprises the All-India Services. The term may at first sight appear inappropriate to Services which are essentially concerned with administration in the Provinces. It marks the fact, however, that these Services are recruited by the Secretary of State, for work in any part of India, and that each, though scattered through the Provinces, forms one Service with one basis of remuneration. Though an officer of an All-India Service is assigned to and as a rule remains in one Province throughout his career, he may be transferred to another Province; while a certain number of officers are taken by the Government of India from the Provinces to assist in the discharge of its central functions. Services of this nature differ essentially from the Provincial Services which are recruited in a Province solely for provincial work, and it is to mark this distinction that these Services have been given the title of "All-India." As the main part of the actual administration of India is carried out by the Provincial Governments, it follows that the All-India Services are the main executive

agents of the administration throughout the country. The following table shows the sanctioned strength and actual numbers of these Services on 1st January, 1924 :—

The All-India Services.

	Sanctioned Strength.	*Actual Numbers.*
Indian Civil Service	1,350	1,290
Indian Police Service	732	739
Indian Forest Service	399	348
Indian Educational Service—		
(Men)	379	309
(Women)	42	36
Indian Agricultural Service	157	109
Indian Veterinary Service	54	38
Indian Forest Engineering Service ..	18	17
Indian Medical Service (Civil) ..	420	373
Indian Service of Engineers	728	716
Total ..	4,279	3,975

The Islington Commission.

7. The Civil Services in India came under detailed review by the Royal Commission on the Public Services presided over by Lord Islington (generally known as the Islington Commission) which assembled on the 31st December, 1912, and signed its Report ø on the 14th August, 1915. It was not the task of that Commission to attempt to alter the structure of administration which it found in existence. Its labours were directed merely to making such adaptations in the composition of the Services, and their organisation or financial conditions, as the circumstances of the time required. Apart from numerous recommendations directed to improving what may be called the technical organisation and efficiency of the Services, the Commission devoted itself mainly to exploring the possibilities of a wider employment of Indians in the Superior Services and to an examination of the conditions of service, particularly on their financial side.

8. The Report of the Islington Commission was signed in August, 1915, when the war had been in progress for a year. The Governments, both in India and in England, were fully occupied with the prosecution of the war. Consequently the consideration of the proposals of the Commission was deferred and the Report was not published till the 26th January, 1917. Before the Report could be taken into serious consideration the facts on which it was based had materially changed. On 20th August, 1917, the Secretary of State announced in the House of

ø Cd. 8382.

Commons that the policy of His Majesty's Government was that of " the increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realisation of responsible government in India as an integral part of the British Empire." Further, the war had in India, as elsewhere throughout the world, produced an upheaval of prices which had greatly increased the cost of living, and this factor had obviously not been taken into account in the rates of pay which the Commission proposed.

There were thus three new factors in the situation : (*a*) the special stress laid on the increasing association of Indians in every branch of the administration ; (*b*) the new policy directed towards the progressive realisation of responsible government ; (*c*) the marked change in the cost of living. It was easier to recognise these new factors than to devise measures to meet them. The Government of India, in their elaborate examination of the recommendations of the Islington Commission, and the Secretary of State in the orders which he passed, clearly endeavoured to give due weight to the changed and changing conditions. It was, however, impossible to produce a scheme which would fit the new circumstances without a complete re-examination of the problem, and the orders which were passed during the course of the years 1919–20, on the recommendations of the Islington Commission, suffered inevitably from having been based on an investigation which subsequent events were rendering obsolete.

The Montagu-Chelmsford Enquiry.

9. The progressive influence of these new factors on the problems of the Services will be examined in detail in the body of this Report, but it will be convenient at this point to summarise briefly the chief events which led up to the appointment of the present Royal Commission. We have already referred to the announcement of the new policy contained in the Declaration of 20th August, 1917. In pursuance of this Declaration the Secretary of State visited India in the winter of 1917–18 and, in collaboration with the Viceroy, made a detailed enquiry into the measures necessary to give effect to the new policy. The result of this inquiry is contained in the Report on Indian Constitutional Reforms by Mr. Montagu and Lord Chelmsford, commonly known as the Montagu-Chelmsford Report.* This elaborate review of the whole situation formed the basis for lengthy and detailed discussion in India and in England out of which the Government of India Act (1919) finally emerged. This Act, with the Rules made thereunder, embodies the present constitution of India.

Subsequent Developments.

10. It was hoped that the inception of the new policy would eliminate the primary cause of unrest in India, but unhappily the development of events belied this hope. Owing to causes

* Cd. 9109.

which it is not within our province to examine, unrest increased. The relations between the political classes and the Services instead of being improved were markedly worsened. In the minds of the Services the uncertainty of the political future of India, combined with attacks upon them in the press and on the platform, and their steadily deteriorating financial condition, produced feelings of anxiety and discontent. In Indian political circles, on the other hand, the new system seemed incomplete and slow in its operation. It seemed incomplete because the self-government granted in the " transferred " field was limited by the fact that the members of the All-India Services engaged therein were still under the ultimate control of the Secretary of State. It seemed slow in operation because the rate of Indianisation adopted since 1919 was regarded as illiberal. In the course of our tour through India we inquired into each of these causes of discontent; and we propose to discuss them in greater detail in subsequent sections of our Report. It is enough now to point out that in the course of 1922 they impelled both the Secretary of State and the Government of India to take action.

11. The immediate preoccupation of the Secretary of State was the check in the flow of recruits for the Indian Services. Accordingly he appointed a Committee, presided over by Lord MacDonnell, to enquire into the impediments to recruitment. The Committee reported on 21st June, 1922. Though certain detailed suggestions for improvement were made, the majority of the members, in a supplementary note, admitted that these recommendations were mere palliatives, and suggested that the time had come to consider on broader lines how the organisation of the Public Services could be adjusted to suit the recent constitutional changes.

While the Secretary of State was considering the problem arising out of the decline in European recruitment, the Government of India was being incessantly pressed to accelerate Indianisation. In order to clear the ground, all Local Governments were consulted on 30th May, 1922, in a letter which has become famous in the vocabulary of recent Indian politics under the name of the " O'Donnell Circular." In this letter the arguments for and against a drastic reduction or complete cessation of European recruitment were clearly summarised. Thus, within four years from the passing of the Government of India Act, both the Secretary of State and the Government of India had been obliged to reconsider the whole question of the Services. But the problems were only stated, they were not solved, by the MacDonnell Committee's Report and the O'Donnell Circular, and it was the need for a fresh, full and impartial enquiry into the means of solving them that led to the appointment of the present Royal Commission.

PART I.—ORGANISATION.

CHAPTER II.

APPOINTMENT AND CONTROL OF THE SERVICES.

12. The question of the appointment and control of the Services has been one of the principal issues of our enquiry. We were met at the outset by a strong plea, on the part of moderate Indian opinion, for the transference to some authority in India of the functions of appointment and control at present exercised by the Secretary of State.

The proposals laid before us in this regard were that these powers should be transferred either to the Government of India or to Provincial Governments. In many quarters it was felt that the "Public Service Commission," required to be established in accordance with Section 96 C of the Government of India Act and dealt with by us in Chapter IV of our Report, should assist the Government concerned in the discharge of its responsibilities.

We now propose to consider the above suggestions as applied to the various Services, which for that purpose may be classified as: (i) Services operating in the reserved fields of administration; (ii) those operating in transferred fields; and (iii) the Central Services under the Government of India.

(i) *Services Operating in Reserved Fields.*

13. These are the Indian Civil Service, the Indian Police Service, the Irrigation Branch of the Indian Service of Engineers, the whole cadre of this Service in Assam, and, except in the Provinces of Burma and Bombay, the Indian Forest Service.

We are agreed that in present conditions the appointment of and control over these Services must continue to vest in the Secretary of State. Some of our Members think that this conclusion follows inevitably from the principles implicit in the Government of India Act. Others of our Members are not prepared to accept this view, and hold that such a transfer is contemplated by the provisions of the Act. In spite, however, of this inability to agree on the constitutional position, we are agreed that the Secretary of State should for the present retain his powers of appointment and control of the All-India Services.

(ii) *Services Operating in Transferred Fields.*

14. These are the Indian Educational Service, the Indian Agricultural Service, the Indian Veterinary Service and the Indian Forest Service (in Burma and Bombay) and the Roads and Buildings Branch of the Indian Service of Engineers (except in Assam). The Civil side of the Indian Medical Service also falls within this category, but requires separate treatment.

In the transferred field the responsibility for administration rests on Ministers dependent on the confidence of Provincial Legislatures. It has been represented to us that although Ministers have been given full power to prescribe policy, they might be hampered in carrying it out by the limitations to their control over the All-India Services, inasmuch as members of these Services, unlike those of Provincial Services, are appointed by the Secretary of State and cannot be dismissed except by him, whilst their salaries are not subject to the control of the Local Legislatures.

Ministers themselves have told us that the All-India officers serving under them have, with negligible exceptions, given most loyal support in carrying out their policies, but the constitutional anomaly remains that the control over the transferred field contemplated by the framers of the Government of India Act has remained incomplete. Our proposals are framed to remedy this particular anomaly.

15. A considerable body of evidence has been placed before us regarding the effect of the cessation of All-India recruitment on the standard of administration in the transferred field, and many experienced officers apprehend some deterioration. Subject, however, to the assumptions in paragraph 17, we are not convinced that the risk attending the change is sufficient to outweigh the argument for carrying to a logical conclusion the constitutional change effected by the Government of India Act in this field of administration.

We are accordingly of opinion that, for the purposes of Local Governments, no further recruitment should be made for the Indian Educational Service, the Indian Agricultural Service, and the Indian Veterinary Service, as at present constituted; for the Indian Forest Service in Bombay and Burma, and (subject to the arrangements set out in paragraph 40 of our Report) for the Roads and Buildings Branch of the Indian Service of Engineers. The personnel required for these branches of administration should in future be recruited and appointed by Local Governments.

16. So far our recommendations apply to appointment only, but it is a logical consequence of what we have said above that Local Governments should have power to make rules regulating the Public Services which will take the place of the present All-India Services operating in the transferred field. We accordingly recommend that the Secretary of State should make the necessary delegation of powers under Section 96 B (2) of the Act. The delegation would naturally cover the existing Provincial as well as the newly provincialised Services.

The Government of India, the Secretary of State and Parliament all contemplated this use of Section 96 B (2) at the time the Act was passed, but it was regarded as a corollary to the delegation of full control that the Local Legislatures should

pass Public Service Acts regulating the Provincial Services. These Acts might be expected, *inter alia* :—

(i) To secure selection over the widest possible field on merits and qualifications and to reduce the risks of political interference.

(ii) To lay down procedure for punishment and appeals.

(iii) To provide satisfactory conditions in regard to such matters as pensions, promotions and leave.

We accordingly recommend that, if our proposals for devolution and control are accepted, Local Governments and Local Legislative Councils should take immediate steps to secure the legislation suggested above.

17. Our conclusions under this Section of our Report are dependent on the assumption that no change will be made in the position of the existing members of the All-India Services operating in the transferred field, that they will retain all the rights of officers of an All-India Service, and that they will receive any concessions in pay, pension, allowances, etc., which are sanctioned for corresponding All-India Services in the "reserved" field of administration.

(iii) *Central Services.*

18. Subject to the provisions of the Government of India Act, the Secretary of State retains powers of superintendence, direction, and control in regard to the field of administration in which the Central Services are employed.

Appointments to some of these Services are made entirely by the Secretary of State ; to others the Government of India makes all appointments, and in a third group appointments are made partly by the Secretary of State and partly by the Government of India. So far as appointments are not made by the Secretary of State, his control over the Services is restricted ; for, under Section 67 A (3) (iii) of the Government of India Act, the salaries and pensions of officers not appointed by him are subject to the vote of the Legislative Assembly.

19. We understand that the extent to which the Secretary of State finds it necessary in practice to exercise his powers of direct, as distinct from ultimate, control is less in the case of some of these Services than in others, and it seems to us unnecessary that he should retain his power of appointment to the former class, particularly as the tendency is more and more to make appointments to them in India. We have accordingly examined the Central Services from this point of view, and we recommend that :—

(i) All appointments to
The Political Department,
The Imperial Customs Department,
The Ecclesiastical Department.
should be made by the Secretary of State.

(ii) All appointments to the remainder of the Central Services should be made by the Government of India, with the exception of

The State Railway Engineers,

The Superior Revenue Establishment, State Railways, and

The Superior Telegraph and Wireless Branch.

(iii) We have found it difficult to bring these three Services within either of the above groups, and we accordingly recommend that appointment should continue to be made as at present, that is to say, by the Secretary of State in respect of the recruits both European and Indian appointed in Europe, and by the Government of India in respect of the recruits appointed in India.

(*Note.*—Officers of the Indian Civil Service and military officers employed in Central Services should continue to be appointed by the Secretary of State).

CHAPTER III.

THE INDIAN MEDICAL SERVICE.

20. The following proposals are intimately connected with our proposals in Chapter XI for the provision of European medical attendance for the European members of the Services, and they should be read together.

21. Established in the first instance as a military service for duty with the Indian Army, the Indian Medical Service has played a notable part in the civil life of India. It has not only devoted itself to the medical care of the civil population of both races; it has also been the chief agent in spreading throughout India, by means of collegiate and hospital teaching and by personal example, Western ideas of medicine, surgery and sanitation, while amongst those who have devoted themselves to original research are some whose names are held in honour throughout the world. It has been increasingly evident, however, for some years past that some readjustment was desirable in the constitution of the medical service in India. A new position has been created by the fact that, under the reforms system, the medical needs of the civil population are now the care of a Minister in charge of a transferred department. In the second place, it has been argued that it was cumbrous and uneconomical that two separate Services, the Indian Medical Service and the Royal Army Medical Corps, should be maintained, side by side, for attendance on the troops stationed in India. These matters were the subject of very careful consideration by the Verney-Lovett Committee in 1919. They recommended that there

should be one " Indian Medical Corps," responsible for the whole of the medical administration in India, both civil and military. This Corps was intended to take over the work of the Royal Army Medical Corps, which would disappear from India.

We approach this matter with some diffidence, since, though we have heard many witnesses on the subject, we have not been able to devote ourselves entirely, as did the Verney-Lovett Committee, to this one question. It appears to us, however, that some steps must now be taken to settle the future status of the medical services in India, as well as to secure choice of treatment by men of their own race for British and Indians alike.

22. There has been difficulty of late years in securing British recruits for the Indian Medical Service. Much of this difficulty has no doubt been due to the universal shortage of medical men, which has been felt everywhere since the great war during which the ordinary training of medical students practically ceased. There seems, however, no doubt that the Indian Medical Service, as at present constituted, is less attractive than in the past. At the present time there is a shortage on the civil side of no less than 57 officers in the authorised cadre of 420.

Bearing in mind that there must be an adequate military reserve, and that civil medical administration is now in charge of Ministers, we think that on the whole the following solution is worthy of consideration :—

(*a*) That, while all concessions granted to other All-India Services should be extended to the existing members of the Indian Medical Service in civil employ, no attempt should be made to perpetuate that Service as at present constituted.

(*b*) That, contrary to the recommendation of the Verney-Lovett Committee that the Indian Medical Service should be developed into a new " Indian Medical Corps " which should absorb the Royal Army Medical Corps in India, the medical needs of both the British and Indian Armies in India should be provided for, in future, by the Royal Army Medical Corps (India) which should absorb the Indian Medical Service.

This is the scheme proposed and elaborated by the late Director of Medical Services (Lieutenant-General Sir Charles Burtchaell), and full details will be found in Appendix II.

This being mainly a military question, it would not be fitting that we should attempt to expound or argue the merits of the Burtchaell scheme, beyond saying that, in our view, it is capable of adaptation to meet the requirements of the Provinces for a separate civil medical service and to provide the necessary nucleus of British medical officers which we regard as vital to the needs and contentment of British civil servants in India.

23. Our consequential recommendations are as follows :—

(*c*) A Civil Medical Service should be constituted in each Province and recruited, for the Local Government, by the Public Service Commission, (*See* Chapter IV.) on the basis of a competitive examination both in England and India. The standards for this examination should be fixed by the Public Service Commission in consultation with the Local Governments, the Director-General Indian Medical Service (or the corresponding officer with the Government of India), and the Medical Adviser to the Secretary of State in England.

The rates of pay and other conditions of service should be fixed by the Local Government in consultation with the Public Service Commission.

It should be part of the terms of contract that every officer of the Civil Medical Service should be liable for service with the Royal Army Medical Corps (India) in the event of a war involving a general mobilisation.

(*d*) The minimum number of British officers to be maintained in the Civil Medical Service should be determined by the Secretary of State, in consultation with the Government of India and the Local Governments concerned, on the basis of paragraph 93 (*a*) of this Report. This number should not be varied except by order of the Secretary of State, and the responsibility for its maintenance should in the last resort rest upon him.

(*e*) Of this prescribed British element in the Civil Medical Service, one-half (or a number not less than that of British medical officers from civil employ, needed for the Regular Military Reserve,* whichever is the larger) should be reserved for British officers to be seconded from the Royal Army Medical Corps (India) in the manner suggested in the Burtchaell scheme, the remainder being obtained through the competitive examination referred to in (*c*) above.

(*f*) If the quota of British officers required to complete the authorised establishment referred to in (*d*) above cannot be obtained by the Local Government, under the system prescribed in (*c*), the deficiency should be made up, so far as practicable, by increased seconding of officers from the Royal Army Medical Corps (India).

Failing the requisite number from that source, which in our view is an unlikely contingency, it is for consideration whether the deficiency could be made up

* On this point we have proceeded upon the assumption that the quota of military medical officers from civil employ required for the Reserve will not exceed the total (122) specified in the D.M.S's. memorandum of 2nd July, 1922, attached to Government of India Despatch No. 1 of 1923 (Department of Education and Health).

by special additional recruitment by the Royal Army Medical Corps (India) of officers who could be detailed temporarily for service in the Civil Department and be available as an addition to the Regular Military Reserve.

(*g*) With regard to the professorial appointments in Government Colleges and Hospitals, we draw attention to the specific recommendation made by the Islington Commission in paragraph (xxx), at page 268 of their Report. A distinction is there drawn between the clinical chairs, which should be reserved, for so long as a fit person is available, for officers of the Civil Medical Services, however recruited, and the scientific chairs, which should be thrown open to all candidates. We are disposed to agree with these recommendations, subject to the substitution of the Public Service Commission for the Recruiting Committee referred to at page 268 [in paragraph (xxxiv)] of the Islington Commission's Report.

CHAPTER IV.

THE PUBLIC SERVICE COMMISSION.

24. Wherever democratic institutions exist, experience has shown that to secure an efficient Civil Service it is essential to protect it so far as possible from political or personal influences and to give it that position of stability and security which is vital to its successful working as the impartial and efficient instrument by which Governments, of whatever political complexion, may give effect to their policies. In countries where this principle has been neglected, and where the "spoils system" has taken its place, an inefficient and disorganised Civil Service has been the inevitable result and corruption has been rampant. In America a Civil Service Commission has been constituted to control recruitment of the Services, but, for the purposes of India it is from the Dominions of the British Empire that more relevant and useful lessons can perhaps be drawn. Canada, Australia and South Africa now possess Public or Civil Services Acts regulating the position and control of the Public Services, and a common feature of them all is the constitution of a Public Service Commission, to which the duty of administering the Acts is entrusted. It was this need which the framers of the Government of India Act had in mind when they made provision in Section 96 C for the establishment of a Public Service Commission to discharge "in regard to recruitment and control of the Public Services in India such functions as may be assigned thereto by rules made by the Secretary of State in Council."

Since the passing of the Act, a prolonged correspondence, extending over nearly four years, has passed between the Secretary of State, the Government of India, and Local Governments, regarding the functions and machinery of the body to be set up. No decisions have, however, been arrived at, and the subject has been referred to this Commission for consideration.

25. We have given this matter our special attention and, in the light of the evidence as to Service conditions in general that has been placed before us, we are convinced that the statutory Public Service Commission contemplated by the Government of India Act should be established without delay.

It should, in our opinion, consist of a central body of five members, the maximum number permitted by the Act. As regards " the qualifications for appointment and the pay and pension (if any) attaching to the office of Chairman and member " (see Section 96 C (1) of the Act) we do not wish to infringe in any way the prerogative and discretion of the Secretary of State in Council. We would venture, however, to emphasise the paramount importance of securing as members of the Commission, men of the highest public standing, who will appreciate the vital and intimate relationship which should exist between the State and its servants. These Commissioners should be detached so far as practicable from all political associations and should possess, in the case of two of their number at least, high judicial or other legal qualifications. They should, we suggest be whole-time officers and their emoluments should not be less than those of High Court Judges.

26. The Public Service Commission, as we contemplate it, will be an All-India body ; and, in so far as it may be invited by Local Governments to assist in dealing with problems of provincial administration, means must be provided to secure for it competent advice on provincial matters and to bring it into touch with local authorities. The requisite link might be found in the Chairmen of the Provincial Selection Boards, who, in our opinion, should be paid full-time officials appointed by the Governor in Council in consultation with the Public Service Commission. These Chairmen would not be members of the Commission, but would act as its advisers on all local matters.

27. The functions which should, at the outset, be assigned to the Public Service Commission fall into two categories :—

(i) The recruitment of personnel for the Public Services and the establishment and maintenance of proper standards of qualification for admission to them ;

(ii) Quasi-judicial functions connected with the disciplinary control and protection of the Services.

Our proposals under the first head are as follows :—

(i) The Public Service Commission should be charged with the duty of recruitment for the All-India Services as the agent of the Secretary of State so far as it is carried out in India.

(ii) In respect of recruitment for the Central Services, and if a Local Government should so desire for Provincial Services (including Services provincialised under our proposals in Chapter II), it should act as agent of the Secretary of State, the Government of India or the Local Governments as the case may be.

(iii) The Public Service Commission should be the final authority, so far as recruitment in India is concerned, for determining, in consultation with the Secretary of State, the Government of India or the Local Governments as the case may be, the standards of qualification and the methods of examination for the Civil Services, whether the channel of entry be by examination or nomination.

Under the second head we make the following recommendations :—

(i) Appeals to the Governor-General in Council against such orders of local Governments as are declared by the Governor-General in Council to be appealable should be referred to the Public Service Commission ; the Public Service Commission should report to the Governor-General in Council its judgment on the facts and its recommendation as to the action to be taken ; and the officer concerned, if dissatisfied with the orders passed by the Government of India, should retain his right of appeal to the Secretary of State, provided that his case is certified by the Public Service Commission as a fit one for such appeal, in which case the Public Service Commission shall also furnish him with a copy of its report.

(ii) Appeals from the Government of India which now lie to the Secretary of State should hereafter be referred to the Public Service Commission in the same manner as in the case of appeals to the Government of India (and the Commission will report to the Secretary of State in the same manner as in the case of appeals to the Government of India).

28. When a breach of the legal covenant between an officer and the appointing authority, proposed in paragraph 85 of our Report, is alleged, the aggrieved officer should have the right to apply to the Public Service Commission for a certificate that his case is *prima facie* a fit one for adjudication by a civil court.

The Public Service Commission should consider such application and, if satisfied in that behalf, grant the certificate. If the officer's claim is subsequently sustained by the courts, but not otherwise, the whole cost of the legal proceedings should be defrayed by the Government concerned. In the absence of such a certificate the ordinary rules as to costs should apply.

29. In addition to the functions under these two heads, the Public Service Commission should also deal with any suitable questions referred to it by the Government of India or Local Governments on their own initiative. For example, it might advise in cases in which the interpretation of regulations is in dispute; or on general questions of Service conditions, particularly if legislation is contemplated.

30. In making these proposals, we have conceived the Public Service Commission as primarily concerned with the All-India Services and the Central Services. We are not suggesting, save only with regard to the determination of standards of qualification and methods of examination, that it should be concerned with the Provincial Services. We are aware that any proposal that a central Public Service Commission should be empowered to interfere on its own initiative in provincial administration would be regarded as violating the principle of provincial autonomy. In our view, therefore, the Public Service Commission should not forcibly be intruded into the provincial field; its knowledge and experience should merely be placed at the disposal of Local Governments. We are confident that the Public Service Commission will become in course of time the recognised expert authority, in India, on all Service questions.

31. In conclusion, we regard our recommendations under this head as one of the cardinal features of our report, and as forming an integral and essential part of the whole structure of our proposals for the future of the Services. We therefore trust that effect to them may be given as soon as practicable.

CHAPTER V.

INDIANISATION.

32. In our summary of the circumstances which led to the appointment of the present Royal Commission, we have drawn attention to the fact that the rates of Indianisation of the Services now in operation, although representing a marked advance on those obtaining before 1919, have nevertheless been criticised in some quarters on the ground that they move too slowly in the direction desired by Indian public opinion. This is to some extent unavoidable in the case of any reform which seeks to change

the personnel of the Services without seriously disturbing the stability and continuity of public administration during the transitional period.

We do not propose to argue the case for Indianisation *de novo*. The question was among those remitted for consideration to the Islington Commission, and the various relevant considerations were fully discussed in their Report. Subsequent to the signature of that Report, and before orders were issued on its recommendations, the announcement of August, 1917, had entirely changed the constitutional outlook. In the words of the authors of the Report on Indian Constitutional Reforms, the success of the new policy "must very largely depend on the extent to which it is found possible to introduce Indians into every branch of the administration." Recognising that Indianisation must be a "long and steady process," they recommended that recruitment of a largely increased proportion of Indians should be initiated without delay, if the Services "are to be substantially Indian in personnel by the time that India is ripe for responsible government."

Subsequently the declared policy of your Majesty's Government to provide for the "increasing association of Indians in every branch of the administration" was placed in the forefront of the preamble to the Government of India Act, 1919, as also of our Terms of Reference.

33. The orders at present in force regarding the Indianisation of the Services were passed in 1919 and 1920 on the recommendations of the Islington Commission and in the light of those contained in the Report on Indian Constitutional Reforms. These orders as affecting the All-India Services are summarised in Annexure III of Appendix I. The scale of recruitment of Indians varies from 33 per cent. in the Indian Police Service up to 50 per cent. in the Agricultural, Educational and Veterinary Services and the Indian Service of Engineers. Actually the supply of European recruits has proved inadequate, and in many cases the percentages of Indian recruitment laid down have been largely exceeded. For instance in the Indian Civil Service, from 1915 to 1923 inclusive, there has been a deficiency of 125 in the number of Europeans who should, in accordance with the existing orders, have been recruited, while, in the same period, 12 Indians have been recruited above the numbers laid down. Again, in the Educational and Agricultural Services recruitment of Europeans has practically ceased except in Burma.

As we have already shown, however, the rates of recruitment of Indians, though in some cases appreciably higher than had been authorised, did not satisfy Indian political opinion. In February, 1922, the following resolution was adopted by the Legislative Assembly:—

> "This Assembly recommends to the Governor-General in Council that enquiries should, without delay, be inaugurated as to the measures possible to give further effect to the

Declaration of 20th August, 1917, in the direction of increased recruitment of Indians for the All-India Services, and also that steps be taken to provide in India such educational facilities as would enable Indians to enter the technical services in larger numbers than is at present possible."

The views of the Local Governments were thereupon canvassed by the Government of India in the communication known as the "O'Donnell Circular," to which we have already referred.

34. The O'Donnell Circular marshalled the arguments both for and against a reduction in European recruitment for the Services. It was clear from its general character, as also from the nature of the discussions which preceded and followed it, that the question of Indianisation was being viewed by both officials and by public opinion in India from a new angle. In the days of the Islington Commission the question was "How many Indians should be admitted into the Public Services?"; it has now become "What is the minimum number of Englishmen which must still be recruited?"

In arriving at our conclusions in this matter, we have been guided by the principles laid down in paragraph 314 of the Report on Indian Constitutional Reforms. They are (i) that the traditional characteristics of the Indian Public Services should as far as possible be maintained, and there should be no such sudden swamping of any Service with any new element that its whole character suffers a rapid alteration, (ii) that there are essential differences between the various Services and the various Provinces, (iii) that there should be, so far as possible, an even distribution of Europeans and Indians between the different grades of the same Service, i.e., that the cadre should not be disturbed by haphazard stratifications, and (iv) that a demand should not be created in excess of the supply.

We propose to state our conclusions separately for each Service.

(i) *Indian Civil Service.*

35. The percentage of recruitment of Indians for the Indian Civil Service was fixed in 1920 at 33 per cent., commencing in the year 1920, and rising by 1½ per cent. to 48 per cent. to be attained in the year 1930, including listed posts. In the present year, 1924, it is 39 per cent.

In our view it is desirable, in order not only to carry out the spirit of the Declaration of August, 1917, but to promote an increased feeling of camaraderie and equal sense of responsibility between British and Indian members of the Service, that a proportion of 50–50 in the cadre of the Indian Civil Service should be attained without undue delay and that the present rate of Indian recruitment should be accelerated with this object.

In this connection some Members of the Commission attach particular importance to maintaining this principle of equality in the rate of direct recruitment as well, and hold strongly the view that the ratio of such recruitment should be maintained at 40 Europeans and 40 Indians out of every 100 recruits (the remainder to be filled by promotion from the Provincial Civil Service) at any rate until the 50–50 cadre is reached. In pressing this principle they are willing to contemplate the maintenance of that ratio of recruitment after the 50–50 cadre is attained and to continue it until a cadre of 40–60 is reached in due course.

According to the calculations which have been supplied to us, the foregoing rate of recruitment may be expected (assuming a future rate of retirement amongst officers of not less than 10 per cent. above the normal) to produce a 50–50 cadre in about 15 years, by which time the whole situation will again have come under review by the second Statutory Commission.

36. This, in our opinion, might be accepted as a fair and prudent rate of progress. If, however, the increased percentage of retirements, which is anticipated by some of our Members as likely to obtain in future, should not be realised, or if any other abnormal circumstances should arise, such as shortage of recruits in any given year, we would leave it to the discretion of the Secretary of State to make such adjustments in the rate of recruitment as might be necessary to produce a 50–50 cadre in 15 years from the time of coming into operation of the scheme recommended above.

We are unanimous in considering that an increase in the rate of promotion from the Provincial Civil Services is desirable, and we are of opinion that 20 per cent. of the recruits should be obtained from that source in future. At present, the total number of posts available for promoted officers has been fixed at a maximum of 16 per cent. of the total cadre, a proportion which so far has not been attained.

(ii) *Indian Police Service.*

37. The recruitment of Indians for the Indian Police Service was fixed in 1919 at 33 per cent. in Provinces other than the North-West Frontier Province and Burma. For the North-West Frontier Province the proportion is restricted to 10 per cent. and for Burma to 22 per cent., of which at least 15 should be Burmans. These ratios still obtain.

In determining the ratios of recruitment to be adopted in future, we have taken into account the special circumstances in the internal conditions of India which justify exceptional treatment of the Indian Police Service, and, after careful consideration of the facts and the evidence laid before us, our recommendation is that of every 100 recruits for this Service, 50 should be Europeans recruited directly, 30 should be Indians directly

recruited and the remaining 20 obtained by promotion from the Provincial Services. Assuming a future rate of retirement of not less than 10 per cent. above normal, the corresponding cadre of 50–50 would be reached in about 25 years from the date on which the new scheme of recruitment comes into operation. In this case also we would leave it to the discretion of the Secretary of State to make any necessary adjustment in the rate of recruitment to attain the above cadre.

38. Of the 50 per cent. which we have recommended as the future rate of Indian recruitment for the Indian Police Service, we have suggested that 30 per cent. should be obtained by open competition and 20 per cent. by promotion from the Provincial Service. The general trend of evidence is that at present the best type of Indian is not being obtained for the Indian Police Service; partly because of the inadequacy of the emoluments offered and partly because of the hardships of a career in the Police as compared with that in other branches of the Public Service. The new rates of pay which we have suggested will, we believe, go some way towards obviating the first of these defects and discounting the latter by enhancing the general attractiveness of service in the Police. Moreover, we are not satisfied that all the available sources of supply have yet been tapped, while we are convinced that it is in the best interests of the State that young men of good family and of the requisite physical and mental qualifications should be induced to enter the Service. For these reasons, we have decided to keep open, and even to extend somewhat, the field of direct recruitment, as it is obvious that it is only by offering yearly a constant and fairly large number of appointments that the Police Service can become generally known as offering a suitable career to young Indians of the right stamp. As regards the Provincial Service officers, the present position is that they are allotted 11 per cent. of the 33 per cent. of the Indian Police Service posts now being filled by recruitment from Indian sources. In proposing to raise this figure to 20 per cent. for the future, we feel that we are opening up considerably wider prospects of promotion to the selected Provincial Service officer, to whose fitness for the higher posts in the Department we have had convincing testimony. We recommend in addition that in any year in which the full quota of 30 per cent. of direct recruits is not obtained by open competition, the balance should be made good by the promotion of the requisite number of officers from the Provincial Service. Such additional appointments from the Provincial Service should be filled, so far as possible, by young officers of not more than five years' service, who have been directly recruited as Deputy Superintendents, and who have given proof of fitness for early advancement. On promotion to the Imperial Police such young officers should be placed at the bottom of the list of Assistant Superintendents.

(iii) *The Indian Forest Service.*

39. So far as this Service is concerned, we endorse the views expressed by the Islington Commission to the effect that every effort should be made to discover and recruit competent men in India and that it should be possible to meet the whole of the normal requirements of the Imperial branch in India within a reasonable period.

Since that Commission reported, arrangements have, we are informed, been made which will ensure that the instruction and training available at the Forest Research Institute and College at Dehra Dun will be not inferior to that obtainable in other parts of the world. We further understand that instruction and training on the superior scale contemplated will be commenced in 1925. In Burma, also, a forestry course has been inaugurated at Rangoon University.

The percentage of direct recruitment of Indians for the Indian Forest Service has been fixed at 25 per cent. for Burma and at 40 per cent. for the rest of India, for a period of 5 years from 1921. This includes Indians recruited both in England and in India. In addition, 12½ per cent. of the posts on the cadre are filled by promotion of officers from the Provincial Forest Services.

Taking all these factors into consideration, we recommend that recruitment should henceforward be in the ratio of 75 per cent. Indians and 25 per cent. Europeans in those Provinces in which Forest administration is reserved. As regards Bombay and Burma, we have already expressed our view that the future recruitment of officers to perform the duties and functions at present carried out by members of the Indian Forest Service should be left to the discretion of the Local Governments concerned.

(iv) *Indian Service of Engineers.*

40. We have considered this Service on the basis of the following three categories;—

(i) That portion of the cadre working in the Roads and Buildings Branch in Provinces in which it has been separated from the cadre working in the Irrigation Branch;

(ii) That portion of the same cadre working entirely in the Irrigation Branch in these Provinces, and

(iii) A combined cadre working both in the Roads and Buildings and in the Irrigation Branches in Provinces in which no such separation has been made.

As regards (i), and similarly in respect of Provinces where such division may in future be made, we have already recommended that recruitment should henceforward be conducted on a provincial

basis. The fixation of the proportion of Europeans and Indians to be recruited is, therefore, entirely a matter for the discretion of the Local Governments concerned.

As regards (ii), we recommend that future recruitment for the Irrigation Branch should be in the ratio of 40 per cent. Europeans, 40 per cent. directly recruited Indians and 20 per cent. promotions from the Provincial Service.

With regard to (iii), we are of opinion that, in such circumstances, no change should be made in the existing ratios of recruitment. These are 50 per cent. recruited in England and 50 per cent. recruited in India. Of the 50 per cent. recruited in England, 10 per cent. must be Indians. For Burma, the present percentage recruited in England is 67 instead of 50, but the Province falls into the first category.

(v) *The Indian Agricultural Service, the Indian Veterinary Service, the Indian Educational Service and the Indian Medical Service.*

41. If our proposals are accepted regarding the provincialisation of the Agricultural, Veterinary, Educational and Medical Services, the Forest Service in Bombay and Burma and the Roads and Buildings Branch of the Service of Engineers in those Provinces in which a divided cadre has been arranged, it will rest entirely with the Local Governments [subject to paragraph 23 (*d*) in the case of the Medical Service] to determine the number of Europeans who may in future be recruited. In this matter the discretion of Local Governments must be unfettered, but we express the hope that Ministers, on the one hand, will still seek to obtain the co-operation of Europeans in these technical departments, and that qualified Europeans, on the other hand, may be no less willing to take service under Local Governments than they were, in the past, to take service under the Secretary of State.

(vi) *Central Services.*

42. We have carefully reviewed the evidence regarding recruitment for the Central Services. and make the following recommendations :—

(*a*) *Political Department.*—25 per cent. of the total number of officers recruited annually should be Indians, who should be obtained from the Indian Civil Service, the Provincial Civil Services, and from the Indian Army as at present.

(*b*) *Imperial Customs Service.*—Recruitment should remain on the present basis, i.e., not less than half the vacancies are to be filled by appointment in India of statutory natives of India.

(*c*) *Superior Telegraph and Wireless Branch.*—Recruitment should be 25 per cent. in England and 75 per cent. in India.

(*d*) *State Railway Engineers.—Superior Revenue Establishment, State Railways.*—We understand from the evidence placed before us that the present rate of recruitment (taking an average over the departments as a whole) has been designed with a view to securing, as soon as practicable, a cadre of which, out of every 100 officers, 50 shall have been recruited in India and 50 in Europe. The date at which this cadre may be reached is, we are informed, dependent on the provision of adequate training facilities in India. Measures with that end in view were advocated by the Islington Commission and we are informed that facilities have already been provided to a limited extent. We are strongly of opinion that the extension of the existing facilities should be pressed forward as expeditiously as possible in order that recruitment in India may be advanced as soon as practicable up to 75 per cent. of the total number of vacancies in the railway departments as a whole, the remaining 25 per cent. being recruited in England.

(*e*) As regards the remaining Central Services, recruitment should be at the discretion of the Government of India.

(*f*) In Services dealt with in sub-paragraphs (*b*), (*c*) and (*d*), recruitment should be by open competition.

PART II.—SERVICE CONDITIONS.

CHAPTER VI.

Pay and Allowances.

43. One of the questions to which we have given the most anxious consideration is whether a basic pay lower than that which obtains at present for both Europeans and Indians should be fixed for future recruits, Europeans receiving an adequate addition thereto in the form of overseas pay. The arguments for adopting such a course are many and familiar, and have formed a perennial subject of controversy ever since the problem of Indianisation became a political issue. A great volume of evidence, for and against, has been submitted to the Commission, and may perhaps be fairly summarised as revealing a sharp cleavage of opinion between the Services and the politicians. The former are almost unanimously opposed to a reduction of basic pay. They urge that it would bring about too marked a differentiation between the emoluments of British and Indian Civil Servants, working side by side and performing similar duties. Indian officers further contend that far from such a reduction being just, they ought to receive a substantial increase in their pay. Political opinion, on the other hand, is strongly in favour of the "market price" principle, and contends that, whilst a high rate of pay may be necessary to attract Europeans, the best Indian candidates could be secured on considerably lower terms. There is much reason in this contention, which is pressed with vigour as one of the main justifications for increased Indianisation.

In the face of these divided, and possibly interested, counsels the Commision have endeavoured to view the needs of India from a detached and somewhat wider standpoint, and have come to the conclusion that it would be inadvisable, in present circumstances, to reduce the basic pay of the Services.

44. The existing scales of pay for the All-India Services were fixed in 1919–20 on the basis of the recommendations of the Islington Commission. A great rise in prices had taken place since their Report was signed. This was not ignored in recasting the scales, but no attempt was made to increase the rupee rates of pay to a figure which could justly be considered as taking full account of this rise in prices. At the time when the scales were being revised a new exchange policy intended to fix the value of the rupee at 2*s.* was under consideration. It is clear that the belief that exchange would remain high was an important factor in fixing the rupee pay at rates which would otherwise have represented inadequate compensation for the rise in prices. We find strong support for this view in the answer given in the

House of Commons by the Under Secretary of State for India on 20th July, 1922 :—

> " The present scale of salaries was fixed with effect from 1st December, 1919. The official exchange value of the rupee was then 2*s*. At that time it was expected that the exchange value would continue about that figure, though it could not be definitely guaranteed." (Hansard, Vol. 156, p. 2292.)

If exchange had remained at or about 2*s*. we believe that no complaint could have been made regarding the scales of 1919–20. But the rupee fell from 2*s*. 10½*d*. in February, 1920, to below 1*s*. 4*d*. in February, 1921, and, except for short periods, remained below 1*s*. 4*d*. for the next two years. The effect on the financial resources of officers remitting large sums to England for the maintenance and education of their families, and consuming considerable quantities of imported articles the rupee price of which has greatly risen, was immediate and serious ; and a flood of memorials followed protesting against the inadequacy of the new scales. The withdrawal of exchange compensation allowance from the Services which had received it up to the introduction of the new scales afforded another ground for complaint, as soon as the rupee fell below the rate at which exchange compensation allowance would have been admissible under the old rules.

45. Except for an inconsiderable increase in the pay of the Indian Police Service, made in 1921, the present scales of pay are substantially as they were fixed in 1920. They are set out in Appendix III.

In approaching the question of their adequacy we desire to call attention to the views expressed in the Islington Commission Report and in the Montagu-Chelmsford Report in this regard. The criterion adopted by the Islington Commission, for application to pay questions, was as follows :—

> " Government should pay so much and so much only to their employees as is necessary to obtain recruits of the right stamp, and to maintain them in such a degree of comfort and dignity as will shield them from temptation and keep them efficient for the term of their service."

We are in full agreement with the principle thus expressed, and have made it the basis of our proposals. The authors of the Montagu-Chelmsford Report say (paragraph 318) :—

> " We are anxious that the present opportunity should be taken to do something towards restoring the real pay of the existing services to the level which proved attractive 20 years ago."

This recommendation was made six years ago, and it is one of the most insistent complaints of the Services that so little has been done to give effect to it.

46. In the course of our enquiry, the Services have placed before us carefully compiled statements of current income and expenditure. We could not examine these figures in such detail as to warrant us in accepting them as a sufficient basis for new scales of pay, but they afford strong evidence that a considerable proportion of married officers now serving are either falling into debt or only avoid doing so by economies which may be detrimental to their contentment and efficiency.

We have obtained independent confirmation of this view from banks or financial houses in close and constant relation with members of the Services. We were informed that a great many officers, particularly in the early years of married life, are at present in debt to an extent which was unknown 20 years ago ; and that this is in no sense due to extravagance. Insurance policies are pledged as security for advances to a much greater extent than formerly and in many cases their surrender value taken. In other words officers are mortgaging or sacrificing the provision made for their families in the event of their death and only escape from their difficulties, if at all, towards the end of their service. This is an undesirable state of affairs, from the public as well as the private point of view, and one which calls for early alleviation.

47. Arguments based upon statistical comparisons of prices must always be used with caution, but the following facts should, we think, have weight in considering the remuneration of the Services.

(i) Such information as we have obtained as to the cost of living for a European in India in 1914 and in 1923 points to an increase of about 60 per cent. within that period.

(ii) Simultaneously there has been a greatly increased drain in the matter of home remittances. Expenditure on the maintenance and education of children in England is perhaps the commonest and the most substantial item in this connection and a comparison between the fees charged by a representative group of Public Schools in 1923 and 1914 (taken from the Public Schools Year Book) shows an increase of over 50 per cent. The increase is more marked in the case of the less expensive schools, and the struggle of the average married officer to give his children an education not inferior to his own is undoubtedly severe.

It will be remembered that the scales in force for the All-India Services up to 1919 were considered by the Islington Commission to be inadequate in 1914 and we do not consider that the increases given in the former years were commensurate with the rise in prices before and after 1914. The present rates

of pay are therefore far below " the level which proved attractive 20 years ago."

48. We have made enquiries of a large number of commercial houses in India regarding the remuneration of their superior European staff, and particularly regarding improvements in such remuneration since 1914. The evidence we received was in most cases given under a pledge that it would be treated as confidential and we cannot therefore refer to it in detail. But, although the pay of their employees on joining was sometimes lower than that of the Civil Services, we found, generally speaking,

(i) that increases amounting to 50 per cent., or even 75 per cent., had been given within the period mentioned,

(ii) that employees whose education and training involved an expenditure of time and money very much less than those of the Civil Services might reasonably look forward to salaries comparing favourably with the general standard of the Service time scales; and that the rewards to exceptional men are out of all proportion to those attainable in Government service,

(iii) that, apart from salaries, commercial houses of the better class in India add to the remuneration of their European employees in various ways which have no parallel in Government service. Bonuses are given in addition to pay and retiring bonuses in addition to pensions. In some cases pay and pension are given free of Income Tax. Substantial contributions are made to the provident funds of the employees. Remittance of a proportion of salary is allowed at rates well above the current rate of exchange. Free quarters, in some cases furnished quarters, are provided, or an allowance in lieu which has been raised substantially since 1914. Senior officers draw motor car allowances. Passages are provided at reasonable intervals for officers, and sometimes for their families.

It is not suggested that Government is in a position to treat its own employees in such a generous fashion, but the disparity of remuneration as between a commercial and an official career has become so conspicuous, and so discouraging to Civil Servants, that we feel something should be done without delay to restore contentment.

In dealing with this question we have borne constantly in mind the urgent need for economy in Indian administration, but after the most careful consideration we think that the improvement in emoluments set out in paragraphs 52 to 55 are absolutely necessary.

49. A striking and gratifying feature of the official representations which have been submitted to us by the various Service Associations and individual officers is their expression

of whole-hearted acceptance of the reforms and the spirit of the Government of India Act. They have stated, unreservedly, their anxiety to assist and play their part in the progress of India along the road to self-government. They have only pleaded that, so long as they are engaged in this task, they should be treated with justice and consideration and that their material conditions of service should be made fair and tolerable.

50. It has been represented to us almost unanimously by the Indian members of the Services, that high prices have equally affected them and that the necessity of maintaining a standard of living comparable to that of their European colleagues, apart from the special demands on account of their religious and social obligations which are peculiar to Indians, places them in a financial position no less embarrassing than that of European officers. It is partly on account of these representations that we have, in paragraph 43, recommended that the basic pay should not be lowered. At the same time, having regard to Indian public opinion as to the necessity of economising the cost of Public Services, we are not prepared to recommend an increase in their emoluments. We have, therefore, except in the case of the Indian Police Service, adopted a system which will meet the requirements mainly of European married officers, particularly those in the middle years of their service.

51. We do not propose, except in the cases dealt with in paragraphs 52 and 59, to revise the existing scales of basic pay recently fixed for the various Services, and confine our recommendations to the giving of relief in other and simpler ways. The system we have adopted is to improve the overseas pay in certain years of service and to make it remittable at a favourable rate. In addition, we recommend the grant of other benefits as set out in paragraphs 63, 92 and 93.

We accordingly make the following proposals for the All-India Services, including, of course, all present members of the All-India Services employed in the transferred field of administration.

Indian Police Pay.

52. The case of the Police Service is peculiar. The conditions have changed and whilst, on the one hand, more specialised training is now necessary to equip the present-day police officer for the efficient discharge of his duties, his responsibilities, on the other hand, have become more onerous and irksome and require greater intelligence and resource. With a view, therefore, to making the Service more attractive, we are prepared to treat it as an exception and to improve its basic pay. But to avoid disturbing the relative position of the Service to other Services, we have not altered the maximum basic pay. What we propose, in order to make the initial basic pay more attractive to the Indian youths of the proper class, is to raise it slightly, without

altering, in the first four years, the total emoluments which are considered to be sufficiently attractive for the European recruit

The following is the scale we recommend :—

Rupees per mensem.

Year.	*Inferior.*		*Superior.*	
	Present.	*Proposed.*	*Present.*	*Proposed.*
	Rs.	Rs.	Rs.	Rs.
1	325	350	—	—
2	350	375	—	—
3	375	400	—	—
4	400	425	—	—
5	425	450	—	—
6	450	475	600	650
7	475	500	625	675
8	500	525	650	700
9	525	550	675	725
10	550	575	700	750
11	575	600	725	800
12	600	625	750	825
13	625	650	775	850
14	650	675	800	900
15	675	700	825	925
16	—	—	850	950
17	—	—	900	1,000
18	—	—	950	1,025
19	—	—	1,000	1,050
20	—	—	1,050	1,075
21	—	—	1,100	1,100
22	—	—	1,150	1,150
23	—	—	1,200	1,200
24	—	—	1,250	1,250
25	—	—	1,300	1,300
26	—	—	1,350	1,350
Selection	—	—	1,450	1,450

Overseas Pay.—(General).

53. The present rates of overseas pay are Rs.150, Rs.200 and Rs.250, except in the Indian Police Service, where a lower rate of Rs.125 is provided in the first three years in consequence of the earlier age at which the recruit enters the service. In granting relief in overseas pay, we have adopted the rule of not varying the stages at which the overseas pay rises under the existing orders from Rs.150 to Rs.200 in the different Services. The number of years of service after which the rate of overseas pay rises from one figure to another, is different for different Services, and we do not wish to go behind the reasons which led Government to lay down these differences. But we are of opinion that about the time when the rate rises from Rs.150 to Rs.200, the European officer has generally married and is beginning to

be faced by heavier expenses. We have, therefore, decided to recommend that the rise from Rs.150 should be to Rs.250 and not to Rs.200. In other words we propose to abolish the Rs.200 rate, and to substitute for it the rate of Rs.250 in the years in which it is now prescribed according to the scales of pay now in force.

The second addition to overseas pay which we recommend is in the latter half of an officer's service. We propose that from the 12th year onwards, the rate of overseas pay of all Services should be raised from Rs.250 to Rs.300, except in the case of the Indian Police Service where, owing to recruitment at an earlier age, the increase should come three years later, i.e., from the 15th year onwards.

The rates of overseas pay for the various Services, according to our proposals, will thus be :—

Indian Service of Engineers :
For the first 7 years, Rs.150 ;
for the next 4 years, Rs.250.

Indian Civil Service and Indian Forest Service :
For the first 6 years, Rs.150 ;
for the next 5 years, Rs. 250.

Indian Educational Service, Indian Agricultural Service and Indian Veterinary Service :
For the first 5 years, Rs.150 ;
for the next 6 years, Rs.250.

the 12th year, and thereafter up to the end of the time scale, all the above mentioned Services, Rs.300.

In the Indian Medical Service, Captains with more than three years' service, who now get Rs.200, will be entitled to Rs.250, while Majors with not less than 11 years' service, and Lieutenant-Colonels, will get Rs.300 instead of Rs.250.

In the Indian Police Service, in which recruits are, on the average, 3 years younger than in the other Services, and in which the basic pay is to be raised for reasons already given, the rupee rates of overseas pay should be as under :—

In the first three years	Rs.100
In the fourth year	Rs.125
In the next four years	Rs.150
In the next six years	Rs.250
In the 15th year and thereafter to the end of the time scale	Rs.300

Remittance Privileges.—(General.)

54. In all Services, the Police included, from the 5th year of service onwards every officer of non-Asiatic domicile should be permitted to remit his overseas pay as above proposed through the High Commissioner at a rate of 2*s.* to the rupee, or to draw it in London in sterling at that rate. Indian members of the Services

who are already entitled to overseas pay, should draw the increase which we propose in such overseas pay, but should only be entitled to the remittance privilege if they can satisfy the High Commissioner that they have wives or children in Europe.

Officers promoted to the selection grade in the Indian Police Service, the Indian Medical Service, the Indian Agricultural Service, the Indian Veterinary Service, and to the senior and junior selection grades in the Indian Educational Service should draw the maximum overseas pay and also receive the remittance privilege described above.

We have set out in Appendix III tables showing the present and the proposed emoluments of these various Services.

Administrative Posts.

55. These proposals involve some adjustment of the pay of officers in lower administrative posts. The pay of Deputy Inspectors-General of Police, Superintending Engineers in the Indian Service of Engineers, and Conservators of Forests in the Indian Forest Service, should be fixed at Rs.2,150, instead of the present incremental pay of Rs.1,750–100–2,150, but in that case they would receive no remittance benefit.

With regard to administrative posts, above the time scale, other than those referred to in this paragraph, we have not found it possible to come to an agreement as to the nature and extent, if any, of the improvement in emoluments which should be made. The English Members, on the one hand, regard it as essential that the financial positions of such officers should be substantially improved. They have therefore submitted their proposals in this connection in a separate note (Appendix IV). The Indian Members, on the other hand, are opposed to any recommendations in this direction and have similarly recorded their views in Appendix IV.

Women's Branch, I.E.S.

56. The Women's Branch of the Indian Educational Service is paid on a lower scale than the other All-India Services. We think that they have a claim to some improvement in their emoluments, but not necessarily to the same extent as the concessions recommended above for the All-India Services generally.

We would leave it to the Government of India to give special consideration to their case and to make the necessary recommendations to the Secretary of State.

Central Services.

57. We consider that in principle the concessions proposed for members of the All-India Services should *mutatis mutandis* be granted to all European officers in the Central Services appointed by the Secretary of State, and to such other European officers, who, although appointed by the Government of India, were so appointed on the basis of a non-Asiatic domicile.

Judicial Pay in the Indian Civil Service.

58. Officers appointed to the Judicial Branch of the Indian Civil Service have for many years received additional pay. Since the reorganisation of 1919 it has been fixed at Rs.150 a month. This advantage in pay was given in view of the fact that, in the past, the general attractions of judicial work were inferior to those on the executive side, and consequently a higher rate of pay had to be offered to induce men to enter the Judicial Branch voluntarily. We do not consider that this consideration any longer applies. The duties of officers on the executive side have become so onerous that the judicial side has by comparison become the more attractive of the two, and we see no reason why any special inducement should be offered to officers to enter it.

We do not propose that the present Judicial Pay should be withdrawn from any officer who elected for the Judicial Branch and was appointed to it between the reorganisation of the pay scale in 1919 and the date of our Report, or from any officer who was receiving the judicial allowance as a permanent element in his salary at the date of our Report. We recommend, however, that no officer appointed to the Judicial Branch after the latter date should receive in respect of his service therein anything more than the pay appropriate to his length of service in the time scale which we have recommended above for the Indian Civil Service generally. We have been informed that in Madras the Judicial Pay, which under the rules in force at the time was due to Provincial Service officers holding listed judicial posts, has been withheld from them because, unlike the Judicial Pay of officers of the Indian Civil Service, it was subject to the vote of the Legislative Council which refused to vote it. We consider that the refusal to provide the necessary funds constitutes an unfair discrimination against this particular class of officer and that their grievance should be met.

Technical Pay in the Indian Service of Engineers and Superior Telegraph Branch.

59. When the pay of the Superior Services was revised in 1919-20 the Secretary of State, in the case of the Indian Service of Engineers and the Superior Telegraph Branch, not only differentiated by means of overseas pay between officers of European and Indian domicile, but made a further differentiation by means of technical pay between officers trained in Europe and those trained in India. This technical pay amounts to only Rs.75 a month, but it has given rise to very widespread dissatisfaction. The principle underlying the grant of overseas pay is well understood by all concerned, but the introduction of technical pay has been regarded as creating an invidious distinction and as reflecting upon the technical qualification of officers recruited in

India. We understand that the decision was based on the view that India does not at present afford the same facilities for technical training as are obtainable in Europe, and that the engineer recruited in Europe must for the present be held to possess a higher market value than an engineer recruited in India. This distinction does not appear to us justifiable, having regard to the number of distinguished engineers who have received their training in India, at Roorkee and elsewhere. In any case the officers of the Service, whether recruited in Europe or in India, carry out the same work, and we see no reason why they should not receive the same pay. We accordingly recommend that the technical pay referred to above should be reckoned as part of the basic pay of the Service, and that officers who received their training at the Indian engineering colleges, whether they be Indians or Europeans, should, except for overseas pay, receive the same emoluments as officers trained in Europe. The scale of basic pay for the Indian Service of Engineers set out in Appendix III is drawn up in accordance with this conclusion.

Pay of Military Officers of the Political Department.

60. The Political Department of the Government of India is composed partly of officers of the Indian Civil Service and partly of Indian Army officers. After ten years' service in the Department the latter are placed on a " supernumerary list " and are no longer recallable to military duty. Their career in the Department is to all intents and purposes a civil one, and their duties and responsibilities are the same as those of their civilian colleagues. There is, however, a differentiation in the matter of pay in favour of the civilians. From the 8th till the 22nd year of service the latter receive a personal allowance over and above the pay which they draw in common with the military officers, and this allowance amounts on the average to Rs.200 a month. The military officers in the Department have represented to us that this differentiation is inequitable. We think this contention is justified. Our view is strengthened by the practical consideration that the Political Department does not, as matters stand, offer sufficient attraction to military officers of the type required for its difficult and exacting duties. We are informed that whereas formerly the number of applicants was far in excess of the vacancies, at present great difficulty is experienced in securing suitable officers. It has been the invariable rule in the case of military officers serving with Indian Civil Service officers in mixed " Commissions," such as exist in the Punjab, the Central Provinces, Burma, and Assam, that all draw equal pay, and we can see no valid reason for making an exception in the case of military officers of the Political Department. We recommend, therefore, that in future they should receive the same pay as their Civilian colleagues. We have dealt with their pension grievance in Chapter VIII, paragraph 73.

Pay of Specialist Officers.

61. Apart from the All-India Services and the Central Services, there is a class of officers whose claim to similar treatment in the matter of pay concessions has to be considered. These are specialist officers, recruited either by the Secretary of State or Local Governments, who are not members of any organised Service but whose status and emoluments are generally comparable with those of the Superior Services dealt with above. It will be convenient to deal first with the Public Works Department specialists. These officers are employed on work of a permanent character, for example as architects, electrical engineers and sanitary engineers under various Local Governments. They are recruited on contract for a fixed period of years in the first instance, but in so far as the duties on which they are engaged are of a permanent and not a temporary nature they have a reasonable expectation that, so long as their work is satisfactory, their services will be retained. In the past many of them have been engaged on a permanent basis on the completion of their contracts.

They fall into three classes :—

(*a*) Those appointed by the Secretary of State and holding permanent appointments. The pay of these is equivalent to that of officers of the Indian Service of Engineers of similar standing, and we recommend that they should receive the same concessions as are recommended for officers of the latter Service.

(*b*) Officers appointed by the Secretary of State and serving under contract. If the terms of the contract contain a clear implication that permanent employment is contemplated, subject to approved service, on the conclusion of the temporary contract, we think there is a case for the revision of the contract so as to give an improvement comparable with that given to officers of similar standing in the Indian Service of Engineers. On the other hand if the terms of the contract clearly contemplate the officer's employment in work of limited duration we see no reason for its revision.

(*c*) Certain specialist officers have been appointed by the Local Governments and their pay is therefore subject to the vote of the Legislative Councils. We recommend that their cases should be treated generally on the lines of (*a*) and (*b*) above.

The same general principles should be applied to specialist officers in other departments, such as Forest Specialists, Agricultural Engineers, and to officers holding various miscellaneous appointments.

CHAPTER VII.

PASSAGES.

62. Hitherto Government has not provided passages for officers of the Services or their families when travelling to Europe on leave. The principle adopted has been that emoluments should be fixed on a scale sufficient to cover the cost of passages and that the officer should be left to make his own arrangements.

The evidence laid before us showed that the inadequacy of the existing rates of pay, combined with the great rise in shipping rates in recent years, has made it increasingly difficult for officers to meet passage charges. It is true that the Government now makes advances free of interest to cover the cost of passages; but these are repayable by instalments after the officer's return to duty, and in a large proportion of cases the married officer, especially, is confronted with the alternative of having either to incur a considerable burden of debt, or to postpone taking leave to the detriment of the health of himself and his family. In such cases the officer's efficiency must suffer, and we feel strongly that the granting of some relief in this regard would be in the interests of Government as well as of the officer concerned.

63. After reviewing the whole subject, we have decided to recommend that passages on the following scale should be granted to all officers of non-Asiatic domicile in the Superior Civil Services.

The officer himself should receive 4 return passages during his service (of the standard of P. & O. first class "B"), and, when married, his wife should be entitled to as many return passages as may be to his credit. In addition one single passage should be granted for each child.

The application of this scheme to officers already in the service presents certain difficulties, but we suggest the following scale, based upon the length of the officer's service :—

Officer's service at the date when the scheme comes into effect.	*Number of Return Passages for the Officer and his wife.*
Less than 7 years	4
Over 7 and less than 14 years	3
Over 14 and less than 21 years	2
21 years and over	1

With a single passage for each child.

The family of an officer who dies in service should be repatriated at Government expense, even though he has exhausted the full number of passages admissible to himself and his family under these proposals.

The above scheme should be applicable to officers of all Superior Civil Services, of non-Asiatic domicile. It should also be extended to Indian officers of the Indian Civil Service who were recruited by the Secretary of State and who receive overseas pay, but should not extend to their families.

64. Apart from the passage concessions above referred to, we have recommended in paragraphs 92 and 93 of our Report, that certain measures of relief, in connection with medical attendance and limitation of house rent, should be granted to the Services, and we have given full weight to the financial value of all these concessions in fixing the new rates of overseas pay and remittance privilege which we have recommended in Chapter VI.

The measure of relief which the Services are intended to receive under our scheme must therefore be considered as a whole, and we regard it as essential that no portion of it should be regarded as less certain than another.

In this connection we are conscious of two factors which might defeat the objects of our proposals, or, at any rate, upset the balance of our combined scheme of relief. On the one hand, if the passage concessions were to be given in the form of an allowance, it would be votable from year to year and might be subject to a varying fate in the different Provinces. These risks and uncertainties would place the Services in a very unfair position and might render our proposal largely nugatory.

On the other hand, if the concession were to take the form of an unconditional increase of ordinary pay, which would be available for the individual officer to spend as he pleased, there would be the risk (emphasised by many Service witnesses) that it might be imprudently diverted to purposes other than that for which we had intended it, with serious consequences, possibly, both to the officer and his family.

In seeking a way out of this dilemma, we have regarded it as fundamental that the relief which we are recommending should be real, and not exposed to political or other risks.

In our subsequent Chapter on Safeguards (para. 85) we make certain recommendations with regard to the execution of a legal covenant, enforceable in the Courts, between every officer in the Superior Services and the authority which has appointed him. In such covenant, all details of the officer's terms and conditions of service should be clearly set forth, so that, in case of any breach of contract, he could seek the appropriate legal remedy.

This safeguard, to which we attach great importance as an *ultimate* security, must at best involve a slow and cumbersome procedure for the individual officer, who, meanwhile, unless and until the authorities concerned have accepted the principle, and executed the covenants, will have no protection at all with regard to allowances or concessions which are votable.

In the face of these circumstances, we propose the following solution which, in our opinion, obviates, so far at least as passages are concerned, the difficulties above referred to.

65. In arriving at our recommendations with regard to the new rates of overseas pay and remittance privilege, we have estimated that, averaging over a British officer's whole service, the money value of the passage concession might be taken as Rs.50 a month, and, in our financial calculations, we have proceeded throughout on that assumption.

We therefore recommend :—

(*a*) That an addition of Rs.50, or such amount as may from time to time be deemed sufficient by Government for the purpose of financing the concession laid down in paragraph 63, should be credited monthly to the pay of all British members of the Superior Civil Services who are, in accordance with our recommendations, entitled to the grant of free passages. In the case of Indian officers who are entitled to passage concessions, probably Rs.25 a month would be sufficient. The said sums should be deducted at the source by the Accountant-General and transferred to a special " Passage Fund " in which the contributions thus made by every officer would be allowed to accumulate. This fund, which should be kept separate from all other Government accounts, should be administered by the Government concerned and managed in such a manner as they may deem fit. In particular they should have power to appropriate from the total of the Fund any sum which might from time to time constitute an available surplus after making the necessary provision for the passage charges. No officer would have any claim to any balance remaining in the fund after payment of the passages to which he was entitled.

(*b*) When an officer requires funds to defray the expenses of the passages to which he is entitled under our recommendations in paragraph 63 he should apply to the Government concerned, or the official appointed by it for the purpose, and on proving that he is so entitled, and on production of the Steamship Company's invoice for the appropriate tickets, the Accountant-General should either pay the Company direct, or issue to the officer the equivalent amount to enable him to pay the charges himself.

(*c*) The amount mentioned in clause (*a*) should not count towards pension or leave or furlough allowance of the officer concerned.

CHAPTER VIII.

PENSIONS.

66. Officers of the Services in India ordinarily retire at an age when heavy commitments have still to be met for the upbringing and education of children. Hence the Services, and particularly married officers, regard the adequacy of their pensions as no less important than the adequacy of their pay.

The representatives of the Services have pressed upon our attention that their pensions are inadequate, especially those of the Uncovenanted Services. They base their case, in the main, on the rise in the cost of living, including house accommodation, in India and in England since the war, and on the increase in the expenses of education. They also urge the following considerations :—

(*a*) That the existing pension-scales bear little or no relation to the scales of pay, with the result that an officer who may have been in receipt of emoluments which enabled him to live in reasonable comfort finds himself, on retirement, reduced to an income on which he can only subsist with difficulty. This point has been similarly pressed by Indian members of the Uncovenanted Services.

(*b*) That, although the present scales were based on the recommendations of a Royal Commission which reported so recently as 1915, the revision which was actually effected in 1919, was made before the great rise of prices in India, whilst any advantages then accruing to the English members of the Services from the prevailing high rate of exchange have disappeared.

(*c*) That bonus additions to pensions have been awarded to the Home Civil Services to compensate for the post-war rise in prices.

(*d*) That the pensions of civil officers in certain of the Crown Colonies have recently been substantially and permanently increased for the same reason.

(*i*) *Indian Civil Service.*

67. Under the present rules, the members of the Indian Civil Service, after 25 years, of which 21 years must have been "active" service, are entitled to a pension of Rs.10,666⅔, subject to a minimum of £1,000 if drawn in England. Towards this pension all members of the service, except Members of Council, were required to contribute 4 per cent. of their pay until the year 1919, when, in accordance with the recommendation of the Islington Commission, this system was abolished and Government assumed the charge of the full pension of £1,000 per annum.

A deduction of 4 per cent. is still made from pay, but the monies so accruing are credited to a provident fund, for the benefit of the officers concerned on their retirement.

It has been calculated that, under the old system, officers, during the full period of their service, contributed a sum which represented at the time of retirement £250 per annum towards their own pensions. The indirect result of the change effected in 1919 has, therefore, been to increase the amount of pension which Government provides. This increase is quite small in the case of those retiring within a few years of the introduction of the change, but it grows every year until those who retire some 20 years hence will receive the full £250 benefit. We do not feel able, in all the circumstances, to recommend any further increase.

Some concession with regard to this 4 per cent. contribution has recently been made in favour of those officers who would otherwise have derived little advantage from the change, and we have been pressed to recommend further concessions. After very careful consideration, we have come to the conclusion that the difficulties in the way of reopening this question are insuperable.

68. The cases of Members of Council and Governors of Provinces call for special consideration. The Islington Commission recommended that a special pension of £1,200 per annum should be sanctioned for Lieutenant-Governors of Provinces, but this recommendation was not adopted. The reformed system of Government has, however, invested the holders of these appointments with new and far-reaching responsibilities, and it is, in our opinion, but just and equitable that this fact should be recognised. We therefore recommend that members of the Indian Civil Service who attain to the rank of Member of Council should be given an increase of pension, at the rate of £50 per annum for each year of their service, as such, up to a maximum pension of £1,250. We further recommend that those who serve as Governors of Provinces should similarly be given an additional £100 for each year of service, as such, up to a maximum pension of £1,500 per annum.

69. We have also examined a proposal which has been placed before us that Indian Civil Service "Invalid Annuities" should be calculated on the same basis as proportionate pensions. This proposal involves certain assumptions which are, on the whole, undesirable, and we are unable to support it. We therefore recommend that no change should be made in the existing scale of Invalid Annuities, so far as the Indian Civil Service is concerned. We deal separately, in paragraph 72, with the question of Invalid Annuities for the Uncovenanted Services.

(ii) Uncovenanted Services.

70. In the case of these Services some increase of their pensions has long been recognised as overdue, and it was recommended by the MacDonnell Committee that the ordinary pension after 25 years' service should be raised to Rs.6,000. We concur in this view that the existing rates are unduly low, having regard to the status of the officers concerned, and we recommend the following permanent rates of pension :—

	Present rate.	*Proposed rate.*
(*a*) After 25 years' service.	Rs.5,000, equivalent at the privilege rate of 1*s.* 9*d.* the rupee to £437 10*s.*, and rising by Rs.200 per annum to	Rs.6,000, equivalent at the privilege rate of 1*s.* 9*d.* the rupee to £525, and rising by Rs. 200 per annum to
(*b*) After 30 years' service.	Rs.6,000, equivalent at the privilege rate of 1*s.* 9*d.* the rupee to £525.	Rs.7,000, equivalent at the privilege rate of 1*s.* 9*d.* the rupee to £612 10*s.*
(*c*) Additional pensions, lower grade.	Rs.300 additional to pension due on the ordinary scale for each year of service in the grade up to a maximum of Rs.7,500 per annum, equivalent at the privilege rate of 1*s.* 9*d.* the rupee to £656 5*s.*	Rs.300 additional to pension due on the ordinary scale for each year of service in the grade up to a maximum of Rs.8,500 per annum, equivalent at the privilege rate of 1*s.* 9*d.* the rupee to £743 15*s.*
(*d*) Additional pensions, upper grade.	Rs.500 additional to pension due on the ordinary scale for each year of service in the grade up to a maximum of Rs.8,500 per annum, equivalent at the privilege rate of 1*s.* 9*d.* the rupee to £743 15*s.*	Rs.500 additional to pension due on the ordinary scale for each year of service in the grade up to a maximum of Rs.9,500 per annum, equivalent at the privilege rate of 1*s.* 9*d.* the rupee to £831 5*s.*

71. Numerous representations have reached us from retired officers of various Uncovenanted Services, pressing that if any increase of pension is granted to officers still serving, their claims also shall receive consideration. We have already laid down the principle, in other connections, that we are not prepared to make financial recommendations of a retrospective character, and we therefore regret our inability to reopen the case of these officers.

72. With regard to the present scales of invalid annuities for the superior Uncovenanted Services we are of opinion that they should be improved. We recommend that the limit of ten years before which an invalid annuity can be earned should be reduced

to seven, and that the existing scales should be raised as shown in the following table :—

Completed Years of Qualifying Service.	*Uncovenanted Services. Invalid Gratuity or Pension.*			*Maximum.* Rs.	*Maximum.* £ at 1s. 9d. to the rupee.
1–6	Gratuity of 1 month's pay for each completed year of service.				
7	Pension of	7-sixtieths of average emoluments	..	2,000	175
8	ditto	8-sixtieths	ditto ..	2,350	205
9	ditto	9-sixtieths	ditto. ..	2,700	236
10	ditto	10-sixtieths	ditto ..	3,000	262
11	ditto	11-sixtieths	ditto ..	3,200	280
12	ditto	12-sixtieths	ditto ..	3,400	297
13	ditto	13-sixtieths	ditto ..	3,600	315
14	ditto	14-sixtieths	ditto ..	3,800	332
15	ditto	15-sixtieths	ditto ..	4,000	350
16	ditto	16-sixtieths	ditto ..	4,200	367
17	ditto	17-sixtieths	ditto ..	4,400	385
18	ditto	18-sixtieths	ditto ..	4,600	402
19	ditto	19-sixtieths	ditto ..	4,800	420
20	ditto	20-sixtieths	ditto ..	5,000	437
21	ditto	21-sixtieths	ditto ..	5,200	455
22	ditto	22-sixtieths	ditto ..	5,400	472
23	ditto	23-sixtieths	ditto ..	5,600	490
24	ditto	24-sixtieths	ditto ..	5,800	507
25	ditto	30-sixtieths	ditto	6,000	525
26				6,200	542
27				6,400	560
28				6,600	577
29				6,800	595

(iii) *Miscellaneous Appointments and Services.*

(*a*) *Military officers serving in the Political Department or in other civil departments whose pensions are governed by the same rules as in the Political Department.*

73. The existing rule under which officers holding certain qualifying posts *continuously* for three years earn the maximum pension £1,000 or £900, as the case may be, does not in practice work equitably. Not only may it happen that the age limit of 55 comes into operation before the qualifying service is completed, but a brief period of reversion will disqualify an officer who may in fact have held one of these appointments for a total period exceeding that prescribed.

The difficulty could be met by applying the ordinary rules which govern the grant of similar additional pensions in the Civil Uncovenanted Services. There the principle is laid down that an additional pension is given for each completed year of qualifying service, and all service qualifies, whether continuous or not.

We therefore recommend that the existing rule requiring the qualifying service to be continuous should be revoked, and that the rule applying to the additional pensions of the Uncovenanted Services should be substituted.

We recommend further that each completed year of qualifying service should earn one-third of the additional pension appropriate to the post.

(*b*) *Women's Educational Service.*

This is one of the Uncovenanted All-India Services, appointed by the Secretary of State. The benefits which we have recommended for these Services generally will therefore be applicable to this case.

(*c*) *Chaplains.*

At present Chaplains obtain a pension of £480 per annum after 23 years' service. Until the year 1920 their pension was £365 per annum. When this revision was made it was intended that the pensions of Chaplains should approximate to those of the Uncovenanted Services. Actually the rates have been appreciably higher, owing to the accident that the pensions of Chaplains was fixed in sterling at a time when the exchange happened to stand at 2*s.* to the rupee. We see no sufficient reason why Chaplains should enjoy more favourable treatment than officers of the Uncovenanted Services. If our recommendation regarding the pensions of the latter be accepted, officers of those Services will receive a sterling pension of £525 per annum after 25 years' service or of £490 per annum after 23 years' service. This is practically the same as the pension of £480 per annum which Chaplains obtain after 23 years' service and we do not consider that there is any case for further improvement.

(*d*) *Judges of the High Courts.*

At present the pensions of High Court Judges are fixed at £1,200 per annum after 11½ years' service in that capacity. We are not prepared to recommend any increase in their rate of pension, which, in view of the comparatively short period of service after which it can be earned, we consider to be adequate.

CHAPTER IX.

Proportionate Pensions, Provident Funds, and Family Pension Funds.

74. Numerous representations have been made to us in favour of modifying the present rules governing the grant of proportionate retiring pensions. Of these representations, the more important are :—

(i) *That compensation for loss of career should be given in addition to proportionate pension in cases other than of compulsory retirement.*

We are unable to support this claim. In our view, the present rules governing the grant of proportionate pension are sufficiently generous for those who are not ready and willing to serve under the reformed system of government.

(ii) *That the scheme for proportionate pensions should be extended to those officers who were recruited in 1919 and were prepared to come out to India before January 1, 1920, but who, for various reasons, and through no fault of their own, did not in fact arrive until after that date.*

We consider that these officers have a good claim for favourable consideration, and we recommend that the privilege of retiring on proportionate pension should be extended to them.

(iii) *That the present rule under which the previous war service of such officers does not count as service for the purposes of proportionate pension is a violation of the undertaking that no officer should be prejudiced by reason of service during the war with the armed forces of the Crown.*

We are doubtful whether this grievance can be sustained, and are unable to recommend any change in the existing rule.

(iv) *That the privilege of retirement on proportionate pension should be extended to members of the Central Services.*

This claim has been urged with great persistence, but we are unable to support it. Officers in the Central Services are obviously in a different position from members of the All-India Services employed under Local Governments. The Government of India may possibly be more susceptible than formerly to political pressure but constitutionally its position *vis-à-vis* these Services remains practically unchanged.

(v) *That the right to retire on proportionate pension should be extended indefinitely.*

We have considered this claim, and recommend that in the case of all future British recruits to the All-India Services a rule should be made, and a clause inserted in their contracts to the like effect, that, if and when the field of service for which they have been recruited is transferred, it shall be open to them either :—

(*a*) to retain their All-India status, or,

(*b*) to waive their contracts with the Secretary of State and to enter into new contracts with the Local Governments concerned, or,

(c) to retire on proportionate pension ; the option to remain open for one year from the date of transfer. We further recommend that existing members of the All-India Services now operating in reserved fields, who do not make use of their present privilege to retire on proportionate pension after action has been taken on the Report of the Statutory Commission of 1929, should be allowed to exercise the option above specified, if and when the field in which their Service operates is transferred. This concession should also be extended to all officers who joined the Services since 1st January, 1920.

(vi) *That the existing rule should be revoked under which officers of the Indian Medical Service with less than 17 years' service are not eligible to retire on proportionate pension unless the military authorities are unable or unwilling to absorb them in military employment.*

We are unable to recommend any change in the existing rule in this respect.

Extraordinary Pensions.

75. We recommend that a new rule should be framed, or the existing rule modified, to cover the case of officers who lose their lives or are seriously injured, as an act of reprisal connected with their holding of a particular office, or resulting from action taken by them in their official capacity, even in cases when they are not actually engaged at the moment in the execution of their duty.

Provident Funds.

76. We are of opinion that for all future recruits the advisability of substituting provident funds for the present system of pensions should be most carefully considered. It is not practicable for us, within the time at our disposal, to work out a detailed scheme of provident funds for the various Services, but we recommend that the feasibility of establishing such funds in lieu of pensions should be thoroughly investigated, and, if the result prove acceptable to the Services and practicable from the standpoint of the finances of India, the change should be made without delay.

For the existing members of the Services the substitution of a Provident Fund for the present pension system presents obvious difficulties. This, in our view, is a matter which should be left for expert investigation. We have reason to believe that Indian members of the Services would generally prefer a provident fund to the existing pension system.

Family Pension Funds.

77. There is a general consensus of opinion in favour of the establishment of family pension funds for the remaining All-India Services, on the lines of that already existing for the India Civil Service. The Islington Commission recognised the necessity for a family pension fund for Services other than the Indian Civil Service, and it is understood that a scheme is at present being worked out by actuarial experts and that the requisite material has already been collected.

It is not apparent why the initiation of such a scheme has been so long delayed, and we are of opinion that steps should be taken to introduce it as soon as practicable.

78. With regard to the family pension fund of the Indian Civil Service, it is urged by members of the Service that the fund is not being managed as advantageously as it might be, from the point of view of the subscribers, who, it is alleged, are not receiving the full benefits to which they claim to be entitled, having regard to the admittedly prosperous financial position of the fund.

In view of the widespread uneasiness on this point which seems to exist in Service circles, we are of opinion that an independent actuarial investigation into the position of the fund, and the possibility of increasing the benefits derivable therefrom, should be undertaken, and that the result of this investigation should be communicated to all subscribers as soon as possible.

There is also force in the contention of several witnesses that, as the fund consists almost entirely of the subscribers' own money, they should be allowed to participate in its management. We recommend, therefore, that an independent Board, consisting of a retired member of the Service, a representative of the India Office, and an independent actuary, should be constituted to administer the fund, subject to the final control and supervision of the Secretary of State.

It has further been represented to us that, owing to the difference in social customs and in vital statistics between Indians and Europeans, it would be advisable to close the existing fund as soon as practicable and to open a new fund divided into Indian and European branches. We agree with this view. We understand that this question is already engaging the consideration of the Government of India and of the Secretary of State, and venture to hope that an early decision will be reached.

CHAPTER X.

SAFEGUARDS.

General.

79. It was only to be expected that the constitutional changes effected by the Government of India Act (1919) would lead to uneasiness among members of the Services with regard to the effect of these changes on the conditions under which they had previously

served. We were not surprised, therefore, to find in the evidence of the Services generally a widespread apprehension regarding the security of their position in various respects. Some of it was based on hypothetical rather than on actual conditions, but there are certain points on which we think it desirable that safeguards should be provided. It may not be necessary ever to invoke them, but their effect on the contentment, and therefore on the efficiency, of the Services will be none the less on that account.

One particular apprehension by which the Services showed themselves to be specially affected was with regard to the results which might follow if the control of the All-India Services were delegated by the Secretary of State to the Government of India. We have recommended in paragraph 13 that the Secretary of State should, for the present, retain his control in this respect.

80. It has also been represented to us that an officer's pay, his prospects, and consequently his pension, may be affected by disciplinary action on the part of a Local Government, or by unfair discrimination against him in matters of promotion or selection for higher appointments, and that the right of appeal to the Governor in such matters is prejudiced by the fact that the Governor himself has been a party to the order appealed against. How far there is good ground for apprehension in this matter we are not in a position to say, but we have made provision with regard to it in our proposals in Part I, Chapter IV, on the functions of the statutory Public Service Commission. Their effect is to secure the investigation by a quasi-judicial body, removed from all political associations, of complaints regarding any orders which materially affect an officer's position.

" Existing or Accruing Rights."

81. We have received a considerable body of representations arising out of the interpretation placed by the Law Officers of the Crown on the phrase " existing or accruing rights " in the proviso to Section 96 B (2) of the Government of India Act. This provides that " every person appointed before the commencement of the Government of India Act, 1919, by the Secretary of State in Council to the civil service of the Crown in India shall retain all his existing or accruing rights, or shall receive such compensation for the loss of any of them as the Secretary of State in Council may consider just and equitable."

The question has been referred to us by the Secretary of State in the circumstances set out in the Despatch which follows :

" 26th April, 1923.

" My Lord, In your Excellency's Government's Despatch in the Home Department, No. 10, dated 29th June last, you requested me to obtain an authoritative opinion as to the meaning to be attached to the expression ' existing or

accruing rights' in Section 96 B (2) of the Government of India Act. I considered your request in Council, and agreed that it was eminently desirable, from the point of view both of my own responsibilities and of the rights of the Services, that no uncertainty or misunderstanding should prevail as to the legal position created by this section. I accordingly referred the matter for the opinion of the Law Officers of the Crown. In view of the notorious difficulty of obtaining legal opinion upon questions which do not present a perfectly concrete issue, and of the wide generality of the terms of the section, I felt bound to confine the case presented to the Law Officers to the comparatively narrow issue raised in the memorial from the Central Provinces and Berar Association of Government Servants which accompanied your Despatch. The opinion which I have obtained cannot therefore be regarded as an exhaustive interpretation of the section, and even on the case as presented to them the Law Officers gave their opinion subject to a reservation as to the difficulty of giving particular answers to general questions.

"2. I am advised that the words 'accruing rights' in Section 96 B (2) mean all rights to which members of the Civil Services are entitled, whether by statute, or by rule having statutory force, or by regulation in force at the time of their entry into service. They do not, however, include prospects of promotion, except in cases where the promotion is no more than advancement by seniority to increased pay, as in the case of the various appointments borne upon the ordinary lists of time-scales of pay. In particular, they do not apply to general expectations of possible appointment to offices, such as those of Commissioner of a Division, which are not included in the ordinary time-scale lists, and the filling of which involves selection by merit. I am advised accordingly that the abolition of such appointments would give rise to no claims to compensation except to persons who were actually holding them at the time of their abolition. I am further advised that no method of filling such appointments which is not inconsistent with the Statute, even though it reduced the expectations of members of a particular service, would give rise to any claim to compensation on the part of any person whose actual tenure of an appointment was not thereby affected. Lastly, I am advised that the proviso to Section 96 B (2) applies not only to loss of rights (as defined above) resulting from the provisions of rules framed by the Secretary of State in Council in pursuance of the provisions of that sub-section, but also to a loss of rights resulting from rules or laws made by other authorities in exercise of powers delegated to them under the provisions of the same sub-section by the Secretary of State in Council.

"3. The foregoing represents the strictly legal results which, so far as they can be ascertained without reference to defined circumstances, must be held to flow from the actual words of this sub-section, and it is my intention to bring the situation which thus emerges to the notice of the Royal Commission on the Services as a matter for their consideration in its bearing on general service conditions, and with special reference to the observation of the Joint Select Committee on the Government of India Bill 'that every precaution should be taken to secure to the public servants the career in life to which they looked forward when they were recruited.' For it is clear that administrative changes might result in a loss of selection appointments so considerable as seriously to prejudice the reasonable prospects of the services. If, in my opinion, such a situation should arise, I shall not fail to examine it with a view to determining, in accordance with what I conceive to be the intention of the Joint Select Committee and of Parliament, what measure of relief can be granted to the service affected. It is desirable, however, that the question should first be examined in all its bearings by the Royal Commission, and I am hopeful that their recommendations may be of assistance to me in dealing with a difficult problem affecting the interests and security of those services for whose well being I am responsible.

"4. I propose, therefore, to lay before the Commission Your Excellency's Government's Despatch, with its enclosures, and the present Despatch, and I request that copies of this Despatch may also be supplied to all members of the All-India Services."

82. The Services claim that whatever may be the legal interpretation of the words "existing or accruing rights," the intention of the proviso was to secure to them their prospects of promotion to all higher posts existing at the time the Act was passed, or alternatively to secure for them compensation for the loss of such prospects through the abolition of these appointments.

We find ourselves unable to lay down any general *a priori* ruling as to what, if any, claims to compensation might justly be entertained by a member or the members of a Service in the event of the abolition of any existing post or class of posts; or as to what amount of compensation, if any, should be granted. Our difficulty lies in the fact that such questions can only be equitably decided in the light of the circumstances and merits of each case. We recommend, therefore, that the Secretary of State should refer such claims for compensation, as they arise, for consideration and report by the Public Service Commission, which, being the expert authority in India on all Service questions, will be well qualified to form a just opinion. The Indian members, however, would limit the references to the Public Service Com-

mission to cases other than those necessitated by retrenchment or curtailment of work. In such cases they consider there would be no ground for compensation except for the incumbent of the post abolished.

The Safeguarding of Pensions.

83. The apprehensions of the Services are not confined to the effect on the position of officers of orders by Local Governments in individual cases. They express grave concern at the prospect of future constitutional developments. In particular, we feel bound to note that we have found widespread anxiety with regard to the future security of pensions. We do not share this apprehension under existing circumstances, and we assume that, if any statutory change is made hereafter, involving the transfer of the financial control in this regard now exercised by the Secretary of State in Council, adequate provision would at the same time be made for safeguarding Service pensions.

The Commutation of Pensions.

84. Various proposals have been put before us in the direction of establishing or depositing funds in England equivalent to the capitalised value of pensions. We are unable to support these, as they might adversely affect the credit of the Government of India. We consider, however, that some extension of the right to commutation of pension should be made. At present an officer may not commute more than one-third of his pension. We think this proportion should be raised to one-half, and we also recommend that the rates at which the commutation value is calculated should be revised, year by year if necessary, on the basis of the rate of interest payable on loans raised by Government in any such year.

The Safeguard of a Legal Covenant.

85. As regards emoluments generally, we consider that, in all circumstances, the most practical form of safeguard would be a mutually binding legal covenant, enforceable in the Civil Courts, between the officer and the authority which has appointed him. We recommend therefore that such a contract should be entered into in the case of all future recruits, and that to secure the position of existing officers a similar contract should be entered into, so framed as to cover the remaining liabilities connected with their service and the privileges to which they may be entitled.

The general form of the contract might be somewhat on the lines of the existing Articles of Agreement adopted for the Indian Educational Service (see Appendix V). The appropriate and approved time-scale for the Service in which the officer is employed

should be inserted as a schedule, and additional clauses should be added securing, *inter alia*,

(i) Leave rules not less liberal than those in existence when the contract was signed.

(ii) The grant of passages.

(iii) Remittance privileges, if any.

(iv) Pension rules not less liberal than those in existence when the contract was signed.

(v) The right to compensation on an adequate scale in the event of dismissal without due notice or in breach of definite conditions laid down.

(vi) The right to retire on proportionate pension in certain circumstances.

In our proposals on the subject of the statutory Public Service Commission we have made recommendations with the object of securing that, in the event of a breach of such a contract by a Government, the aggrieved officer shall, in certain circumstances, be indemnified against legal expenses in prosecuting his claim in the Civil Courts.

86. In the event of the adoption of our recommendations under this head it will obviously be inappropriate to retain the title of " Uncovenanted " Services, and we suggest that " Departmental " Services might more accurately describe their position in future.

Votability of Government Contributions to Provident Funds.

87. Our attention has been drawn to the fact that some uncertainty prevails as to whether Government contributions to provident funds, given to certain officers in lieu of pensions, are or are not votable by legislative bodies. It is desirable that this uncertainty should be removed; and we suggest that the Governor-General should consider whether he might not construe such contributions as pensions within the meaning of the Government of India Act in accordance with Section 67 A (4) thereof, and that all Governors should consider the same point in accordance with Section 72 D (3).

It is obvious that a conflict of opinions in the matter would be unsatisfactory; and we venture to hope that all the authorities concerned will be able to accept the suggestion made above.

The Position of Specialist Officers.

88. Representations have been put before us by specialist officers regarding the insecurity of their tenure of appointment. Those appointed on a permanent basis by the Secretary of State cannot be removed from service without his sanction and their status in this respect is exactly the same as that of members of an All-India Service.

An officer who is serving on a contract for a definite period is in a different position. His services can clearly be dispensed with at the end of his contract; and such contract usually provides that it can be terminated by either side at 6 months' notice before the expiry of the stated term. This provision has, in the past, not been understood by officers as authorising Government to terminate their employment for reasons other than the unsatisfactory performance of their duties, but it has in some recent cases been used by Governments to terminate the contracts on grounds of economy. In this way an officer engaged on a five-year contract might find himself thrown out of employment after a year. The Secretary of State has held that in such cases the officer is clearly entitled to special compensation. We concur in this opinion, and recommend that the amount of the compensation might be fixed by the responsible Government in consultation with the Public Service Commission.

Position of All-India Officers not Appointed by the Secretary of State.

89. A number of ex-Army officers who were demobilised in India after the war were appointed to the Indian Police Service, not "by" the Secretary of State, but "with the approval of" the Secretary of State. Simultaneously, some of their comrades, who had returned to England on demobilisation, received similar appointments, which, however, were made "by" the Secretary of State. In consequence they acquired a measure of protection to which the officers appointed in India were not entitled. This places the latter in a disadvantageous position, inasmuch as their pay and pensions, unlike the pay and pensions of officers appointed by the Secretary of State, are subject to the vote of Legislative Councils. It is clearly anomalous that this difference should exist between members of the same Service, recruited under what were intended to be the same conditions. We therefore recommend that these officers should be reappointed by the Secretary of State from the date of their original appointment.

We have been given to understand that there may be a few officers, in other All-India Services, who are in a like anomalous position, and whose case might be given similar consideration.

CHAPTER XI.

House Rent, Medical Attendance, and Leave Rules.

House Rent.

90. The existing rules governing the rent payable by officers occupying houses supplied by Government are as follows:—

Interest is calculated on the capital cost of construction of the house and the cost to Government (if any) of the site. On houses built before 1915 the rate of interest taken is 3½ per cent.;

on houses built later the rate of interest depends on the rate paid by Government for loans in the open market at the time the house was built. To the interest so calculated is added a percentage to cover the annual cost of maintenance, and the total is the standard rent.

This standard rent is charged to the officer occupying the house, but is subject to a maximum of 10 per cent. of his pay. The 10 per cent. limit, however, does not cover the rent of sanitary and electrical installations and fittings, if any.

In certain of the larger towns where rents are abnormally high and the number of official houses is insufficient for the Services, Government grants compensatory house allowances.

91. The main representations which have been made to us by the Services in this connection are :—

(i) That Government should undertake a general obligation to provide houses for the Services at a maximum rent of 10 per cent. of pay.

(ii) That the 10 per cent. of pay should cover all charges for rent, including interes on the capital cost of sanitary and electrical fittings.

(iii) That the rules operate unequally as between officers in localities (for example, urban areas) where the cost of the site is high and in districts in which the main factor in the standard rent is the cost of construction.

92. We do not consider it practicable to place on Government a general obligation to build or rent houses sufficient to accommodate all officers, but subject to this we think that relief should be given and that it should take the following form :—

(*a*) *Houses Supplied by Government :*

(i) In assessing rent, interest should be calculated on the cost of construction of the house and nothing should be included in respect of the cost (if any) to Government of the site.

(ii) Wherever a general supply of electric power is or becomes available, or wherever a sewage system of drainage exists, the capital cost of the necessary installation and fittings should be included in the capital cost of the building.

(iii) On the capital cost calculated as in (i) and (ii) above, the full rent of the house should be assessed at not more than 6 per cent. The full rent so calculated should be the annual rent payable by the tenant, provided that no Government tenant should have to pay more than 10 per cent. of his monthly emoluments for the period of his occupation of the house.

(iv) The cost of any restoration or special repairs should not be added to the capital cost of the building, but any alterations which add to the accommodation, and are made at the tenant's request, should be added to the capital cost and the rent be raised in proportion.

(*b*) *Private Houses:*

Whenever it is necessary, no Government accommodation being available or until such accommodation is made available, to give relief to officers in large centres of population on account of the excessive rents charged by private landlords, that relief should be included in the compensatory local allowance. This relief should be calculated so as to cover on an average the excess, over 10 per cent. of the emoluments of such officers, which they are compelled to pay, on account of house rent, for accommodation reasonably sufficient for their status and proportionate to their pay.

Medical Attendance.

93. The almost universally expressed anxiety of British members of the Services in India to have access to British medical advice for themselves and their families is intelligible and, in our opinion, its provision is vital to their contentment.

In the geographical conditions of India, and in view of the increasing Indianisation of the Services, including the Medical, the adequate provision of qualified British medical attendance for the British members of the Services presents peculiar difficulties. The following solutions, based on the evidence laid before the Commission, appear to us to be the most practicable and we recommend them for adoption :—

(*a*) The districts of a Province should be grouped, and a British medical officer (civil or military) should always be posted to one station in each group. This station should be within easy reach of each district in the group. The details of this grouping should be arranged by the Local Governments concerned, in consultation with the Government of India, and should be subject to the approval of the Secretary of State.

(*b*) In stations where there is no British medical officer, travelling allowances for the officer or his family should be granted to and from the nearest station where there is such medical officer. Payment should be made on a certificate by the medical officer, countersigned, if desirable, by the head of the Medical Service in the Province. Alternatively, if more convenient or if the patient is not fit to travel, the expenses of the medical officer's visit (exclusive of his normal fee for attendance) should be defrayed by Government.

(*c*) In the event of a case being of such a serious or special nature that the doctor first consulted does not feel able or willing to treat it, he may give a certificate authorising the patient to travel to the nearest station where adequate treatment can be given. This certificate should qualify the patient for the grant of travelling allowance as in (*b*) above.

(*d*) In stations where only military medical officers are available their services should be at the disposal of civil officers and their families, upon payment of normal fees.

(*e*) Officers should be entitled to free medical attendance as at present. If treated in hospital, they should not be liable for payment of medical, surgical, and nursing charges, but charges for board or special accommodation should be defrayed by the officers themselves. Normal fees should be chargeable for their wives and families.

94. The Services have pressed for free medical attendance for their wives and families. This concession, if granted, would be open to many objections and be capable of abuse. We are, therefore, unable to recommend it and believe that the proposals outlined above, taken in conjunction with the improvements in emoluments and other conditions of service which we have recommended elsewhere in this Report, will afford an adequate measure of relief in the directions in which it is most needed.

Leave Rules.

95. The reorganisation of the leave rules for European members of the Government Services, carried out as a result of the recommendations of the Islington Commission, resulted in a leave code which is generally recognised to be liberal. The only criticism of it which has been brought before us had reference to the restriction on the maximum amount of leave on average pay which may be granted. An officer is not permitted to take more than 8 months leave on full average pay at any one time, or to take during the whole of his service more than one-eleventh of the period spent on duty plus one year. It has been represented to us that both restrictions should be removed, and that, in addition to leave on average pay equivalent to one-eleventh of the period spent on duty, an officer should be allowed to commute the whole of the leave on half pay, admissible to him under the rules, into half the amount of leave on full average pay. These concessions could only be made at a heavy cost to Government, and, as we consider that the leave rules, as they stand, are sufficiently liberal and are widely recognised as such by the Services, we are unable to recommend any extension in the direction suggested.

PART III.

CHAPTER XII.

BURMA.

96. The case of Burma presents some special features as compared with the rest of India. Higher education, both secondary and collegiate, is in a very backward state and there has been a marked reluctance on the part of Burmans to attend Indian colleges. Technical education is even less advanced, owing partly to lack of training facilities and partly to the disinclination, hitherto, of the Burman to adopt a professional career.

Some improvement is now being manifested under both these heads but it must be some years before an adequate supply of qualified Burmans can be available to man the Public Services. For example, it was only in 1923 that, for the first time, a Burman was successful in the competitive examination for the Indian Civil Service, whilst four Burmans in all have been nominated to that Service.

In these circumstances the question as to whether the same rates of "Indianisation" which we have recommended in the case of India as a whole should be adopted for Burma presents obvious difficulties. There are not at present sufficient qualified Burmans available to fill the vacancies. At the same time experience shows that Burman politicians and Burman public opinion in general would not accept any proposals for Burma which fell short in any respect of similar proposals for India. This is evidently also the view of the Local Government, which has intimated to us its desire that any recommendations which we might make under our Terms of Reference should be equally applicable to Burma.

This may be sound, and even inevitable, as a political principle, but it does not solve the difficulty of obtaining qualified Burmans for the All-India Services in Burma—except in so far as they can be promoted from the Provincial personnel. This is an unsatisfactory substitute for entry by examination, particularly in Burma where the absence of racial, religious, and caste differences offers a wider opportunity for securing the best men by educational competition than can be the case in the rest of India.

97. For the reasons above stated, however, we make our recommendations with regard to Indianisation and provincialisation applicable to the whole of India including Burma and, in respect of the All-India Services, we leave it to the Government of India in consultation with the Burma Government to make such adjustments as may be necessary to suit local conditions.

The question of the increased emoluments, passage and other concessions, which we have recommended for the Services presents no difficulty in their application to Burma. Over and above these, however, there is the local "Burma Allowance," necessitated by the abnormal cost of living in that particular Province.

This was fixed only so lately as 1919 and we did not think it necessary to suggest any revision of its terms or conditions.

The Public Service Commission, the establishment of which we have recommended for India, will of course include Burma in its sphere of operations. So long as Europeans serving in that Province belong to the " All-India " Services it is necessary that they should enjoy the same protection as their colleagues serving in other parts of India.

98. Our general conclusion, therefore, is that we make no special or divergent recommendations with regard to the Services in Burma, and are prepared to leave it to the Secretary of State, in consultation with the Government of India and the Local Government, to make any necessary adjustments in regard to the distribution of British recruits to the All-India Services as between Burma and other Provinces.

SPECIAL NOTE

Regarding the Recommendations Contained in this Report.

99. Various representations have been made to us by Service Associations regarding the date from which our recommendations relating to Service Conditions should take effect and we have been urged to make them retrospective.

After careful consideration, we record our view that in the present state of the finances of India, our recommendations should take effect as from the commencement of the financial year 1924–25.

CHAPTER XIII.

Recruitment.

100. For some years past the Secretary of State has found it increasingly difficult to secure the full complement of British recruits required for the All-India Services. We recognise the importance of this fact, and in all our proposals for improving and safeguarding the conditions of service we have borne it in mind. We have contemplated not only the effect of better prospects as an encouragement to recruits, but also of the reaction on recruitment of greater contentment among existing members of the Services, whose views and feelings soon penetrate to British schools and universities, and must always be, as they have been in the past, a potent factor in determining the supply of candidates. We hope that our proposals, if adopted, will go far to check the recent decline and to establish once more the requisite flow of highly qualified recruits for all the Services.

101. We think it desirable, however, to comment specially on the question of recruitment for the Indian Civil Service. We have examined the list of deterrents to recruitment drawn up by the MacDonnell Committee (paragraph 10), and we believe that their force will be very greatly diminished if our proposals are adopted. What has deterred recruits more than any question of material or financial conditions, has been an apprehension that some future political developments in India might bring their careers to a premature end. We admit that no absolute guarantee can be given against such a contingency; there is no career, after all, which is absolutely safe in this respect; but we think that anxiety on this point can easily be exaggerated. We are convinced that India still needs the services of capable and broad-minded Englishmen and will long continue to need them; and we hope that Englishmen will not be slower in the future to meet the need than they have been in the past. At the same time we are anxious that such arrangements should be made as would give to every officer at least a reasonable measure of security on the financial side.

102. There seem to be two possible contingencies. First, as the development of self-government in India proceeds, posts or classes of posts now held by members of the Indian Civil Service may be abolished. We have dealt with this matter in paragraph 82 above.

Secondly, an officer, once recruited, may come to find the conditions of his service so uncongenial as to make him desire to withdraw from that service at any cost. It is important at this point to distinguish between the opinions of members of the Services who were in India before the Reforms scheme came into operation and those who have been recruited since. It is universally admitted that under changed political and economic conditions the public service in India cannot be exactly what it was before the war. Loyal as they have been in their attempt to make the reformed system a success, it is only natural that some officers should regret the passing of the old order, in which they formed part of a wholly bureaucratic system, unexposed to criticism or interference on the part of representatives of the people. Officers, however, who have never experienced pre-Reform conditions are naturally able to judge the existing system on its merits and not to be biassed by comparing it with a past they have not known themselves. With this in view we specially requested that some members of the Services in every Province, who had come to India since 1919, should answer our questionnaires and give oral evidence before us. The results were on the whole encouraging. These young officers looked forward with anxiety to their financial future unless the existing rates of pay were modified, and, like older officers, they expressed a sense of insecurity as regards both their pensions and the possible effects of further constitutional change. But

when it was put to them that in all these respects they might be adequately safeguarded (as we think they may be if our proposals under these heads are adopted) most of them declared that, on this hypothesis, they could look forward to a congenial and useful career. They recognised that the life of a member of the Indian Civil Service is still, as it has always been, a big life, involving great responsibility. Nor in their opinion has it lost what used to be one of its chief atttractions—the possibility of friendly contact with the rural population. They declared that their relations with the people amongst whom they are living are cordial.

103. In the light of this evidence and of the general situation as we saw it, we believe that the risk that an officer might find the conditions of his service too uncongenial is only a possibility, and in any case it is only likely to arise in the event of an officer being moved from the reserved field of government to the field which is managed by Ministers and Legislative Councils. It is, we hold, desirable to relieve recruits of any apprehensions on this account by providing them with a regular means of withdrawal without great financial injury.

This was one of our two reasons for recommending that all future recruits should be given the option defined in paragraph 74, if and when the field of administration in which their service lies should be transferred. Our other reason it may be said here, was a desire to make the system elastic in order, in some degree, to accommodate the future of the Services to the further development of self government in India.

We trust that the difficulty in obtaining recruits will be largely overcome if the above proposals are adopted, but we think that, over and beyond them, efforts should be made to stimulate recruitment by well-considered propaganda. We think it desirable that the India Office should establish some permanent *liaison* with the British Universities, and we call attention to the suggestions made in Annexure III to the Report of the MacDonnell Committee (see Appendix VI), with the rider that similar arrangements to those there proposed with regard to Oxford and Cambridge should be considered with regard to the other Universities.

Finally, we think that a full and candid explanation of the present position in India, and of the conditions of service under the reformed system, with precise details as to pay, pensions and other privileges, as also of the measures of protection and security provided (in the event of our proposals being adopted), should be prepared at the India Office and made available for prospective recruits.

Methods of Recruitment.

104 We now come to the question of the system by which recruits for the Indian Civil Service should be selected Time has not allowed us to elicit the opinions of University authorities

upon the spot; but we circulated a questionnaire among them all, and have received clear and valuable replies. It is in the light of the opinions thus expressed that we make the following proposals:—

(*a*) We recommend that the age limit for candidates for the Indian Civil Service Examination in London should remain as fixed for the present year (i.e., a candidate must have attained the age of 21 and must not have attained the age of 24 on the 1st day of August), and that the Secretary of State should reconsider his decision to change the age limits in 1925 to 21–23. We make this recommendation not only in the interest of British but of Indian candidates as well. All the Universities (with the exception of two which did not give their opinion on the point) approved the maintenance of the age limit at 24. We also feel that it is clearly desirable to keep the field of recruitment as wide as practicable both in India and in England.

(*b*) It was a corollary of the decision to reduce the upper age limit to 23 years that the period of probation for recruits should be extended from one year to two. Since it is clearly undesirable that recruits should begin their work in India above the age of 25, the retention of the present probation period of one year necessarily follows from our recommendation to keep the upper age limit at 24. Whatever may be said in favour of extending the probation beyond one year, we feel that under present conditions the arguments for maintaining the higher age limit are decisive.

(*c*) As to the method by which recruits for the Indian Civil Service should be chosen, we recommend that the present system should be continued. Some Universities and other witnesses have urged that a system of selection should be adopted instead of open competitive examination. The argument is that, since the new conditions in India require that members of the Indian Civil Service should possess special gifts of character and adaptability besides purely intellectual attainment, it would be safer to choose recruits by selection rather than by examination. We are convinced, however, that the arguments which have so long held the field against the method of selection for any Civil Service are still decisive, and that appointment to the Indian Civil Service must not be exposed to any charges, just or unjust, of political or personal influence. A more attractive suggestion is that the competitive examination should be preceded by selection, but to this proposal likewise the obstacles seem to us unsurmount-

able. We fear that good candidates might be shy of exposing themselves to the possibility of rejection by a selection board on other than intellectual grounds, and also that the list of selected candidates would inevitably be criticised by Universities or individuals as the product of prejudice or favouritism. In the light of all these considerations we recommend that the existing system of open competitive examination should be continued.

Short-term Contracts.

105. It was suggested by some University authorities, and also by some witnesses who gave evidence in India, that European recruits for all the All-India Services should in future be engaged on short-term renewable contracts. We regard this as a not impossible expedient with regard to special appointments in the more technical services. If individuals were needed to carry through a specific project of engineering, or to engage on a particular and limited field of scientific research, or to occupy for a term of years a particular professorial chair, the system of short-term contract might be adopted; but even in such cases those drawbacks would not be entirely absent which we feel are fatal to the suggestion as applied to the Services as a whole. These drawbacks are as follows: a new European recruit in any Indian Service does not become efficient until he has accustomed himself to the special conditions of India, learned the ways of its people, and mastered in some degree the local language. It may be said in fact that his efficiency increases in proportion to his length of service. From the point of view of the Governments concerned, therefore, a recruit engaged on a short-term contract is a highly uneconomical proposition, for, while Government has paid for his period of apprenticeship, it may lose him just at the moment when he has acquired some measure of real efficiency. The proposition is similarly disadvantageous to the recruit. After spending some years in acquiring the special qualifications for efficient service in India he may find it impossible to renew his contract, with the result that he is cast upon the world with qualifications which, however valuable in India, may be of little or no value elsewhere. It must not be supposed, for instance, that an expert in Indian forestry who has lost his post in India would be regarded as an expert in the forest work of any other Continent. The uncertainty of continuous employment would therefore militate against the chance of obtaining first-rate recruits. These considerations apply with special force to the Indian Civil Service and the Indian Police Service. In these Services the efficiency of the officer is the result, above all else, of prolonged contact with the Indian people. It is not for some seven or eight years that he is qualified to hold the post for which he was recruited; and several more years must pass before

[illegible] higher appointments. It would clearly be unwise, [illegible] Government to recruit such officers on a short-term [illegible] number of these Services, similarly, since he is [illegible] administrative or executive work, the non- [illegible] would mean financial disaster; for, however [illegible] in India, he would have no special qualifications [illegible] employment in any other country. It is not surprising, therefore that, except as regards such special technical [illegible] referred to above, the great mass of evidence put [illegible] was against the principle of short-term contracts. We accordingly [illegible] officers should be recruited for [illegible] Services as at present on the basis of a permanent [illegible]

CHAPTER XIV

GENERAL.

Procedure as to Evidence.

[illegible] the very outset of our enquiry we were confronted [illegible] difficulty which materially affected our subsequent proceedings. In our view it was of paramount importance that, to [illegible] us in our investigation, we should be able to ascertain the [illegible] opinions of witnesses on the matters at issue, however [illegible] or controversial the latter might be. There were [illegible] witnesses, Indian as well as European, who would shrink from expressing, in public, opinions which they conscientiously held but which if published in the press might involve them in political controversy. Had the Commission decided that it would hear no evidence which was not given in public, witnesses [illegible] who as it proved were by no means the most vehement in their views or the most extreme in their demands—would, [illegible] to the extent, have declined to speak freely. Such a result would have prejudiced the value of our enquiry, and we came to the unanimous decision that the choice as to whether his evidence should be given in public or in private should be left unreservedly [illegible] individual witness. If he decided to be heard in public, representatives of the press were admitted to record his oral evidence and received his written statement as well. Those witnesses, on the other hand, who asked to be heard in private were given an assurance that neither their oral nor their written evidence would at any time be made public.

The record shows that, of the 411 witnesses who gave oral evidence, only 152 elected to be heard in public. It is obvious that only the evidence of these 152 witnesses could be published, and this would inevitably present a one-sided picture of the case which has been laid before us. We have therefore come to the conclusion that no transcript of the evidence can be appended to our Report and that we must be content with depositing a complete and verbatim record with the Secretary of State.

Interdependence of Agreed Conclusions.

108. Finally, in submitting this our Report we wish to emphasise that we regard its main proposals as vitally interdependent, and that, unless all are given effect to, violence will be done, not merely to the spirit of compromise which has inspired our agreed conclusions, but to the whole structure of our recommendations.

We would also venture to urge that there should be as little delay as possible in considering and acting upon our proposals. We have striven to respond to the official request that we should treat our enquiry as a matter of urgency, and having done so we suggest that the position is one in which the principle of *bis dat qui cito dat* is of special application.

CHAPTER XV.

109. Summary of Recommendations.

Appointment and Control of the Services.

	Paras.
(*a*) *Services employed in reserved fields.*	
(i) The All-India Services employed in reserved fields of administration should continue to be appointed and controlled by the Secretary of State for India in Council	13
(*b*) *Services employed in transferred fields.*	
(ii) For the purposes of Local Governments, no further recruitment should be made to the All-India Services as such, operating in transferred fields. The personnel required for these branches of administration should, in future, be recruited by Local Governments (For the Medical Services see v, vi, vii *below*)	14–15, 17
(iii) Local Governments should have power to make rules to regulate not only the Public Services which will take the place of the present All-India Services operating in transferred fields, but also the existing Provincial Services. The Secretary of State should make the necessary delegation of powers under Section 96 B of the Government of India Act accordingly. As a corollary, Local Legislatures should pass Public Service Acts regulating these Services ..	16
(*c*) *Central Services.*	
(iv) Appointments to certain of these Services as specified in paragraph 19 should be made by the Secretary of State. The Government of India should appoint to the remainder	18–19

REORGANISATION OF MEDICAL SERVICES. PARAS

(v) A new Civil Medical Service should be constituted in each Province and recruited by competitive examinations held both in England and in India, the medical needs of both the British and Indian Armies in India being met, in future, by the "R.A.M.C. (India)." Every officer of the new Provincial Civil Medical Services should be liable for service with the R.A.M.C. (India) in the event of general mobilisation 20–23c

(vi) To meet the medical needs of British officers in the Civil Services and their families, a minimum number of British officers should be maintained in the Civil Medical Service herein proposed. These minima should be prescribed for each Province by the Secretary of State, on whom, in the last resort, should rest the responsibility for their maintenance. Of this British element, one half or the number required for the military reserve whichever is the larger, should be reserved for British officers to be seconded from the R.A.M.C. (India). In default of the remainder being forthcoming by competitive examination for the Civil Medical Service, the deficiency should be made up by increased seconding from the R.A.M.C. (India) or, if necessary, by special additional recruitment for that purpose .. .. 23 d, e, f,

(vii) Subject to the existing rights of present members of the Indian Medical Service, all scientific chairs in Government Colleges and Hospitals, should, in future, be thrown open to all candidates, the clinical chairs being reserved for members of the Civil Medical Services, however recruited, so long as fit candidates are available. 23g

THE PUBLIC SERVICE COMMISSION.

(viii) The Public Service Commission contemplated by the Government of India Act should be constituted without further delay. It should be an All-India body and consist of five Commissioners of the highest public standing, detached so far as practicable from political associations and possessing, in the case of two of their number at least, high judicial or legal qualifications 24–26

(ix) The functions of the Commission should fall, at the outset, into two categories, (*a*) recruitment, (*b*) certain functions of a quasi-judicial character in connection with the disciplinary control and protection of the Services 27

PARAS.

(x) As regards (*a*), it should be charged with the duty of recruitment for the All-India Services, as the agent of the Secretary of State, so far as it is carried out in India, and of recruitment for the Central Services (and, if a Local Government should so desire, for the Provincial Services) as the agent of the Secretary of State, the Government of India or Local Government as the case may be. The Commission should also be the final authority for determining, in consultation with the Secretary of State, the Government of India or Local Governments, as the case may be, the standards of qualification and the methods of examination for the Civil Services so far as recruitment in India is concerned 27

(xi) As regards (*b*), appeals to the Governor-General in Council by an aggrieved officer against such orders of Local Governments as are declared by the Governor-General in Council to be appealable should be referred to the Commission, which should report its findings to the Governor-General in Council and its recommendations as to action, without prejudice to the right of appeal of the aggrieved officer to the Secretary of State provided the Commission certify his case as a fit one for such appeal. Appeals from the Government of India which now lie to the Secretary of State should, in the first instance, be referred to the Commission in the same manner as in the case of appeals to the Government of India, and the Commission should submit its report to the Secretary of State. When a breach of the legal covenant (see recommendation liii) between an officer and the appointing authority is alleged, the Commission should certify whether *prima facie* it is a fit case for adjudication in a Civil Court. If such certified case is sustained by the Court, the whole costs should be defrayed by the Government concerned 27–28

(xii) Apart from the determination of standards of qualification and methods of examination the Commission would not ordinarily be concerned with Provincial Services. Its knowledge and experience would merely be placed at the disposal of Local Governments if desired. The Chairmen of Provincial Selection Boards would constitute the link between the Commission and the Local Governments 26, 29–30

INDIANISATION. PARAS.

Indian Civil Service.

(xiii) A proportion of 50 per cent. Europeans and 50 per cent. Indians in the cadre should be attained within about 15 years from the time that the new rate of recruitment recommended comes into force. It has been calculated, on certain assumptions regarding abnormal retirements, that recruitment on the basis of 40 per cent. Indians directly recruited, and 20 per cent. Indians promoted from the Provincial Service, will produce that result 35–36

Indian Police Service.

(xiv) Out of every 100 recruits, 50 should be Europeans directly recruited, 30 should be Indians directly recruited, and the remaining 20 should be Indians obtained by promotion from the Provincial Services. On certain assumptions regarding abnormal retirements, the corresponding cadre of 50–50 should be attained in about 25 years from the time that the new rate of recruitment comes into force. In any year in which the full quota of 30 per cent. directly recruited Indians is not obtained by open competition, the balance should be made good by additional promotion, preferably of young officers of not more than five years' service who have been directly recruited as Deputy Superintendents of Police .. 37–38

Indian Forest Service.

(xv) Recruitment should be in the ratio of 75 per cent. Indians and 25 per cent. Europeans in those Provinces in which Forest administration is reserved .. 39

Indian Service of Engineers.

(xvi) Recruitment for that portion of the cadre working entirely in the Irrigation Branch in Provinces in which it has been separated from the cadre working in the Buildings and Roads Branch should be in the ratio of 40 per cent. Europeans, 40 per cent. directly recruited Indians and 20 per cent. Indians promoted from the Provincial Service. In those Provinces in which no division of the cadre has been made there should be no change in the existing ratio of recruitment for the combined cadre.. 40

(xvii) *Central Services.* PARAS.

(*a*) *Political Department.*

Twenty-five per cent. of the total number of officers recruited annually should be Indians, who should be obtained, as at present, from the Indian Civil Service, the Provincial Civil Service and the Indian Army 42*a*

(*b*) *Imperial Customs Service.*

Recruitment should remain on the present basis, i.e., not less than half the vacancies are to be filled by appointment in India of statutory natives of India 42*b*

(*c*) *Superior Telegraph and Wireless Branch.*

Recruitment should be 25 per cent. in England and 75 per cent. in India 42*c*

(*d*) *State Railway Engineers: Superior Revenue Establishment, State Railways.*

The extension of the existing training facilities in India for these Services should be pushed forward in order that recruitment in India may be advanced so soon as practicable up to 75 per cent. of the total number of vacancies in the Railway Departments as a whole, the remaining 25 per cent. being recruited in England 42*d*

(*e*) Recruitment for the remaining Central Services should be at the discretion of the Government of India 42*e*

(*f*) In services dealt with in (*b*), (*c*) and (*d*), recruitment should be by open competition 42*f*

THE PAY OF THE SERVICES.

All-India Services.

(xviii) Apart from the Indian Police Service and the Indian Service of Engineers, it is not proposed to increase the basic pay of the Services. In the Indian Police Service the basic pay of the inferior scale should be raised by Rs.25 a month. The basic pay of the superior scale which begins at the 6th year of service should be increased by Rs.50 a month up to the 10th year of service, then by Rs.75 a month to the 13th year of service, then by Rs.100 a month for the ensuing four years, then by Rs.75, Rs.50 and Rs.25 a month for the 18th, 19th and 20th year of service, thereafter remaining as at present.. 51–52

The technical pay of the Indian Service of Engineers should be reckoned as part of the basic pay.. .. .59

PARAS

(xix) For Services other than the Indian Police Service and the Women's Branch of the Indian Educational Service, the rise in overseas pay from Rs.150 where it occurs, should be to Rs.250 instead of Rs.200 as at present; while from the 12th year of service onwards the rate of overseas pay should be raised from Rs.250 to Rs.300. In the Indian Police Service, recruits for which are about three years younger than in the other Services, the rupee rates of overseas pay should be Rs.100 in the first three years, Rs.125 in the fourth, Rs.150 in the next four years, Rs.250 in the next six years, and Rs.300 in the 15th year and thereafter to the end of the time scale 53

(xx) In all Services, including the Indian Police Service but not the Women's Branch of the Indian Educational Service, from the 5th year of service onwards, every officer of non-Asiatic domicile should be entitled to remit his total overseas pay through the High Commissioner at 2*s.* to the rupee or to draw it in London in sterling at that rate. Indian members of the Services who are already entitled to overseas pay should draw the increase proposed, but should only be entitled to the remittance privilege if they can satisfy the High Commissioner that they have wives or children in Europe 54

(xxi) Officers promoted to the selection grade in the Indian Police Service, the Indian Medical Service, the Indian Agricultural Service, the Indian Veterinary Service, and to the senior and junior selection grades in the Indian Educational Service should draw the maximum overseas pay and receive the sterling advantage described in (xix) and (xx) respectively 54

(xxii) The pay of officers holding lower administrative posts, i.e., Deputy Inspectors General of Police, Superintending Engineers and Conservators of Forests, should be fixed at Rs.2,150 instead of the present incremental pay of Rs.1,750–100–2,150. .. 55

(xxiii) With regard to other administrative posts above the time-scale, the divergent views of the English and Indian Members respectively are set out in Appendix IV. 55

(xxiv) The Women's Educational Service have a claim to some improvement in their emoluments, but not necessarily to the same extent as that recommended for the All-India Services generally. The Government of India should give special consideration to this case and make the necessary recommendation to the Secretary of State 56

Central Services. PARAS.

(xxv) In principle, the concessions proposed for members of the All-India Services should *mutatis mutandis* be granted to all European officers in the Central Services appointed by the Secretary of State and to those European officers who, though appointed by the Government of India, were so appointed on the basis of a non-Asiatic domicile 57

Miscellaneous.

(xxvi). Officers appointed in future to the judicial branch of the Indian Civil Service should not receive "judicial pay." It should not, however, be withdrawn from existing recipients 58

(xxvii) The "technical" pay of the Superior Telegraph Branch should be reckoned as part of the basic pay 59

(xxviii) Military officers serving in the Political Department should receive the same pay as officers of the Indian Civil Service in that Department 60

(xxix) Public Works Department specialist officers appointed by the Secretary of State and holding permanent appointments should receive the same concessions as officers of the Indian Service of Engineers. In the case of those specialists appointed by the Secretary of State and serving under contract, if their contract contains a clear implication that permanent employment is contemplated subject to approved service, such contract should be revised to give an improvement comparable with that proposed for the Indian Service of Engineers. The cases of specialist officers appointed by Local Governments should be treated generally on the above lines. The same general principles apply also to specialist officers in other departments such as forest specialists, agricultural engineers and officers holding various miscellaneous appointments 61

PASSAGES.

(xxx) An Officer of non-Asiatic domicile in the Superior Civil Services should receive four return passages during his service (of the standard of P. & O. First Class B) and, if married, his wife should be entitled to as many return passages as may be to his credit. One single passage should be granted to each child 62–63

(xxxi) Officers already in the service, who have served less than 7 years, should be entitled to four return passages for themselves and their wives, those with over 7 years and less than 14 years should be entitled

PARAS.

to three, those with over 14 years' and less than 21 years' service should be entitled to two, and officers with 21 years' service and over to one. The scheme should be extended to Indian officers in the Indian Civil Service who were recruited by the Secretary of State and who receive overseas pay but should not extend to their families 63

(xxxii) The family of an officer who dies in service should be repatriated at Government expense even though he has exhausted the full number of passages admissible 63

(xxxiii) An addition of Rs.30 or such amount as may from time to time be deemed sufficient by Government for the purpose of financing the above concessions, should be credited monthly to the pay of all British members of the Superior Civil Services entitled to passage concessions (probably Rs.25 a month will suffice for Indian members). This sum should be deducted at the source and transferred to a special " Passage Fund " in which the contributions thus made by every officer should accumulate and on which an officer requiring funds for the payment of passages should be allowed to draw. Any surplus in this fund will revert to Government. The monthly additions credited to pay under this proposal should not count towards pension, or leave or furlough allowance 64–65

PENSIONS.

Indian Civil Service.

(xxxiv) Having regard to the fact that in 1919 officers were relieved of the necessity of contributing 4 per cent. of their salary towards their pensions, no increase is recommended in the ordinary pension of this Service, nor is it possible to reopen the question of extending the recent concessions made regarding the refund of past contributions 67

(xxxv) Members of the Indian Civil Service, who attain to the rank of Members of Council, should be given an increased pension at the rate of £50 per annum for each year of service, as such, up to a maximum pension of £1,250. Those who serve as Governors of Provinces should similarly be given £100 for each year of service, as such, up to a maximum pension of £1,500 per annum. 68

(xxxvi) No change should be made in the existing scale of invalid annuities so far as the Indian Civil Service is concerned 69

Uncovenanted Services.

PARAS.

(xxxvii) The present pension of Rs.5,000 per annum, earned after 25 years' service (equivalent at the privilege rate of 1*s.* 9*d.* to the rupee to £437 10*s.*), rising by Rs.200 per annum to Rs.6,000 after 30 years' service (equivalent to £525 per annum), should be increased to Rs.6,000 and Rs.7,000 respectively, i.e., to £525 and £612 10*s.* per annum respectively. The maximum pensions, taking account of additional pensions earned by service in higher appointments, will then become Rs.8,500 (lower grade) and Rs.9,500 (upper grade), equivalent at 1*s.* 9*d.* to £743 15*s.* and £831 5*s.* per annum respectively 70

(xxxviii) The limit of 10 years before which an invalid annuity can be earned in the Uncovenanted Services should be reduced to seven, and the existing maxima raised, as shown on page 41 72

PROPORTIONATE PENSIONS.

(xxxix) No addition to proportionate pension should be given as compensation for loss of career on voluntary retirement 74i

(xl) The privilege of retiring on proportionate pension should be extended to officers recruited in 1919 who, through no fault of their own, did not arrive in India before 1st January, 1920.. .. .. 74ii

(xli) No change should be made in the existing rule laying down that war service of officers prior to their appointment does not count as service for the purposes of proportionate pension 74iii

(xlii) The privilege of retirement on proportionate pension should not be extended to members of the Central Services 74iv

(xliii) A rule should be made and a clause inserted in the contracts (see paragraph 74) of all future British recruits to the All-India Services, to the effect that if and when the field of service for which they have been recruited is transferred, it shall be open to them either :—

(*a*) To retain their All-India status;

(*b*) To waive their contracts with the Secretary of State and to enter into new contracts with the Local Governments concerned; or

(*c*) To retire on proportionate pension, the option to remain open for one year from the date of transfer 74v

(xliv) Existing members of the All-India Services now operating in reserved fields, who do not make use of their privilege of retiring on proportionate pension before action has been taken on the report of the Statutory Commission of 1929, and officers who joined the service since 1st January, 1920, should be allowed the option in (xliii), if and when the field in which their service operates is transferred PARAS. 74v

(xlv) The existing rule should be maintained under which officers of the Indian Medical Service in civil employ of less than 17 years' service, may not retire on proportionate pension unless the military authorities are unable or unwilling to absorb them in military employ 74vi

EXTRAORDINARY PENSIONS.

(xlvi) A new rule should be made to cover the case of officers killed or injured whilst not actually in the execution of their duty, but for reasons connected with their official position or actions 75

PROVIDENT FUNDS.

(xlvii) The advisability of substituting provident funds for pensions for future recruits should be carefully considered. If the change is feasible, and acceptable to the Services, it should be made without delay. The application of such a scheme to present members of the Services should also receive expert examination 76

FAMILY PENSION FUNDS.

(xlviii) Family Pension Funds, on the lines of that already existing for the Indian Civil Service, should be introduced for the other All-India Services as soon as practicable 77

(xlix) An independent actuarial investigation into the position of the Indian Civil Service Family Pension Fund should be undertaken as soon as possible. A Board consisting of a retired member of the Service, a representative of the India Office and an independent actuary should be constituted to administer the Fund, subject to the final control and supervision of the Secretary of State.. .. 78

(l) The existing Indian Civil Service Family Pension Fund should be closed as soon as practicable and a new fund opened, divided into Indian and European branches 78

SAFEGUARDS. PARAS.

"Existing or Accruing Rights."

(li) The Secretary of State should refer claims from a member or the members of a Service for compensation for the abolition of a higher appointment for consideration and report by the Public Service Commission. The Indian Commissioners would limit the references to the Public Service Commission to cases other than those necessitated by retrenchment or curtailment of work 81–82

Commutation of Pension.

(lii) All officers should be allowed to commute up to one half of their pension, and the rates on which commutation value is based should be revised year by year, if necessary, on the basis of the rate of interest payable on loans raised by Government in that year 84

Legal Covenant.

(liii) Mutually binding legal covenants, enforceable in a Civil Court, should be entered into between all future recruits and the authority appointing them. To secure the position of existing members of the Services a similar contract should be entered into, and so framed as to cover the remaining liabilities of their service. The contract should include clauses securing pay, leave rules, passages, remittance privileges, pension rules, etc., and the right to compensation in the event of dismissal without due notice or any breach of conditions of contract; as well as the right to retire on proportionate pension in certain circumstances 85

Votability of Government Contributions to Provident Funds.

(liv) The Governor-General should consider whether he might not construe such contributions as "pension" within the meaning of the Government of India Act in accordance with Section 67 A (4) thereof and all Governors should consider the same point in accordance with Section 72 D (3) 87

Position of Specialist Officers.

(lv) A specialist officer on a contract for a definite period whose services have been dispensed with before the end of his term for reasons other than unsatisfactory performance of his duties, for example, on grounds of economy, has a claim to

PARAS.

special compensation. The amount of compensation should be fixed by the Government responsible, in consultation with the Public Service Commission 88

Officers of All-India Services not appointed by the Secretary of State.

(lvi) Officers, including ex-Army officers in the Indian Police Service, not appointed by the Secretary of State but with his approval, should be reappointed by him from the date of their original appointment, so as to secure for them the same privileges as are enjoyed by other officers of the same Service .. 89

HOUSE RENT.

Houses supplied by Government.

(lvii) In assessing rent, interest should be calculated on the cost of construction, but nothing should be included in respect of the cost (if any) of the site. The capital cost of electrical and sanitary fittings should be included in the capital cost of the building.

On the capital cost so calculated the rent of the house should be assessed at not more than 6 per cent. The rent so calculated should be the annual rent payable by the tenant provided that he should not have to pay more than 10 per cent. of his monthly emoluments for the period of his occupation of the house. The cost of any restoration or special repairs should not be added to the capital cost of the building but any alterations which add to the accommodation and are made at the tenant's request, should be added to the capital cost and the rent raised in proportion 90–92

Private Houses.

(lviii) Where it is necessary to give relief to an officer on account of excessive rent charged by private landlords, the relief should be included in a compensatory local allowance and be calculated to cover, on an average at least, the excess over 10 per cent. of his emoluments which such officer has to pay for accommodation reasonably sufficient for his status and proportionate to his pay 92

MEDICAL ATTENDANCE.

(lix) The principle that attendance by medical officers of their own race should be available for members of the Services and their families should be accepted. It is recommended that :—

(*a*) Districts of a Province should be grouped and a British medical officer posted to one station in each group within easy reach of each district 93*a*

(*b*) In stations where there is no British medical officer, travelling allowance for the officer and his family should be granted to the nearest station where there is such an officer. Alternatively, if more convenient, the travelling expenses of the medical officer should be paid by Government to enable him to visit the patient .. .. PARAS. 93*b*

(*c*) In serious cases it should be open to the doctor first consulted to give a certificate authorising the patient to travel to the nearest station where adequate treatment can be given and the certificate should qualify the patient for travelling allowance 93*c*

(*d*) The services of military medical officers where no other medical officers are available should be at the disposal of civilian officers and their families upon payment of normal fees .. 93*d*

(*e*) Officers if treated in hospital should not be liable for medical, surgical or nursing charges. Normal fees should be chargeable for their wives and families 93*e*

Free medical attendance for the wives and families of officers should not be provided 94

LEAVE RULES.

(lx) The existing leave rules are sufficiently liberal and require no alteration 95

BURMA.

(lxi) All recommendations in this Report (including those relating to Indianisation and provincialisation) apply to Burma. The Secretary of State, in consultation with the Government of India and the Local Government, should make any necessary adjustment in regard to the distribution of future recruits to the All-India Services as between Burma and other Provinces 96–98

DATE AT WHICH THIS REPORT SHOULD COME INTO EFFECT.

(lxii) The recommendations in this Report should take effect from the commencement of the financial year 1924–25. 99

RECRUITMENT.

(lxiii) (*a*) In the interests of recruitment it is important that every officer should have a reasonable measure of security. Uncertainty arising from the possibility of the abolition of posts is dealt with in (li) above 102

(*b*) As regards the risk that the officer may find the conditions of his service uncongenial, the recommendation in (xliii) provides a regular means of withdrawal without great financial injury .. .. PARAS. 103

(*c*) Efforts should be made to stimulate recruitment by well-considered propaganda. With this in view the India Office should establish some permanent liaison with the British Universities.. 103

(*d*) A full and candid explanation of the present position in India, and of the conditions of service under the reformed system, with precise details as to pay, pensions and other privileges, and the measures of protection and security provided, should be made available for prospective recruits.. .. 103

(*e*) The age limit for candidates for the Indian Civil Service examination in England should remain as it is fixed for the present year, that is, a candidate must have attained the age of 21 and not have attained the age of 24 on the 1st day of August .. 104*a*

(*f*) The present probationary period of one year should also be retained 104*b*

(*g*) The existing system of open competitive examination for the selection of candidates for the Indian Civil Service should be continued 104*c*

(*h*) Officers should be recruited for the All-India Services, as at present, on the basis of a permanent career and not on short-term contracts 105

INTERDEPENDENCE OF MAIN PROPOSALS.

(lxiv) The main proposals in the Report are vitally interdependent and, in view of the urgency of the case, it is recommended that they should be considered as a whole and acted upon with as little delay as possible 108

110. In conclusion we desire to place on record our sense of obligation to the staff of the Commission, which, from top to bottom, has displayed an ability and devotion to duty which call for the highest praise. Owing to the abnormal pressure under which our enquiry has been conducted, the strain on our Secretariat has been unusually severe, and their work, performed often under conditions of discomfort and inconvenience, has been altogether admirable.

The chief responsibility has of course fallen upon our Joint Secretaries, Mr. S. F. Stewart and Mr. A. W. Street. Mr. Stewart, with his long experience of the India Office, his wide knowledge of the problems involved in our terms of reference, and his unfailing courtesy, has proved himself an invaluable counsellor and aid. Mr. Street, who has been primarily responsible for the

organisation and control of the office has demonstrated his exceptional abilities as an organiser and his tireless capacity for work. He has further had charge of the arrangements for our tour and by his ever-ready helpfulness has placed every Member of the Commission in his debt.

We would also express our obligations to the two officers of the Indian Civil Service whose services were placed at our disposal after our arrival in India. Mr. H. G. Haig was appointed by the Government of India as its liaison officer with the Commission, and, in that difficult and delicate position, has been not merely a tactful link but an indispensable source of information on all points relating to the Departments and the Services. Mr. C. W. A. Turner was lent by the Government of Bombay, in the first instance as Personal Assistant to our Chairman, and, with his intimate knowledge of India and of Service conditions generally, became an invaluable member of our Secretariat. Mr. P. R. Rau was attached by the Government of India to the Commission, as an expert adviser on statistics, and has amply justified his appointment.

To all these officers, as also to the subordinate and reporting staff working under them, we wish to express our sincere and special thanks.

All of which we submit for Your Majesty's gracious consideration.

(*Signed*) LEE OF FAREHAM.
BHUPENDRANATH BASU.*
R. COUPLAND.
R. H. CRADDOCK.
M. HABIBULLAH.
HARI KISHAN KAUL.
CYRIL JACKSON.
D. PETRIE.
N. M. SAMARTH.

S. F. STEWART
A. W. STREET } Joint Secretaries.

Dated the 27th day of March, 1924

* Signature subject to the remarks contained in the following Minute.

I have had, unfortunately, to stay away from the Commission at its final stage owing to sudden and severe illness; but my Indian colleagues and I had thoroughly discussed between ourselves the more important features of our enquiry before I fell ill, and during my enforced absence, through their courtesy, we were exchanging our ideas by means of correspondence on most of the points dealt with in the report. There is one matter in which for want of time I was unable to take part, namely, the enhanced pension of members of the Civil Service retiring as members of the Executive Councils and Governors of Provinces. There are several things to consider in this connection. There are, firstly, the existence of a feeling of camaraderie and equality in the ranks of the Civil Service, who feel that, barring the exigencies of the service, they are all on a footing of equality, a feeling which I should not like to disturb; and, secondly, the recent decision of the Government to refund the whole of their contributions has meant an addition of £250 to the pensions of the members of the service, and enables those who rise to high office to make a substantial addition to the fund at their credit on their retirement. It must also be borne in mind that Viceroys and Governors coming out from England retire without any pensions at the end of their term. For these reasons I am opposed to any enhancement of the pensions in the case of members of Executive Councils or Governors.

(*Signed*) BHUPENDRANATH BASU.

APPENDIX I.

ROYAL COMMISSION ON THE SUPERIOR CIVIL SERVICES IN INDIA.

I.

Questionnaire on the Organisation of the Services.

1. In the light of the experience now gained of the operation of the system of government established by the Government of India Act, and in view of the avowed policy of Parliament as contained in the preamble of that Act, do you consider that any readjustment of the position of any or all of the All-India Services is required, and, in particular, would it be possible to transfer immediately or gradually any of their present duties and functions to Services constituted on a provincial basis? If, in your opinion, any readjustment is necessary, what should be the place and functions of these Services, and especially of the Indian Civil Service, in the Government of India?

2*. The tables annexed set out the principal classes of superior appointments at present held by members of the All-India Services. To what extent, in each of these classes, do you consider that European personnel must at present be retained for the maintenance of a standard of administration in accordance with the responsibilities of the Crown for the Government of India, and do you consider that any progressive reduction of this European element will be practicable within, say, the next 20 years?

3. Do you consider that the European element in the Services should be appointed and controlled by the Secretary of State in Council as members of Services organised on an All-India basis with the safeguards and conditions at present attaching to that organisation, or should it be appointed and controlled by the Government of India, or, where the duties concerned are under a Local Government, by the Local Government?

4. Having regard to the declared policy of Parliament in respect of increasing the association of Indians in every branch of the administration, and to the provision in Section 84 A of the Government of India Act for the appointment of a Statutory Commission in 1929 to report on the extent to which it is desirable "to extend, modify or restrict the degree of responsible government then existing" in India; and having regard also to the importance of offering to recruits a career of adequate security and opportunity; on what conditions do you consider that the European element in the Services should be recruited? In particular, do you consider that engagements on short term contracts would be suitable as a substitute for permanent appointments; and, if so, to what extent and in what branches of the Services?

5. Do you consider that the Secretary of State in Council should continue to appoint and control the Indians required for duties and functions of the kind at present performed by the All-India Services; or should they be appointed by the Government of India or by Local Governments? If you hold the former view, do you consider that any alterations are necessary in the methods adopted for the recruitment of Indians for the All-India Services?

6. Do you consider that the existing rates of pay for the All-India Services are suitable (*a*) for Europeans, (*b*) for Indians? If not, what readjustments do you suggest?

7. If Local Governments should appoint the personnel required for the duties and functions referred to in 5, would it be preferable to organise them as separate superior Provincial Services or to amalgamate them with the existing Provincial Services? In the latter alternative, what scales of pay would, in your opinion, be necessary to obtain recruits of the required standard?

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* The scales on which Indians are being recruited for the various Indian Services under existing rules are shown in Annexure III to the questionnaire.

ANNEXURE I. TO QUESTIONNAIRE I.

TERMS OF REFERENCE OF ROYAL COMMISSION ON THE SUPERIOR CIVIL SERVICES IN INDIA.

Whereas, having regard to the necessity for maintaining a standard of administration in conformity with the responsibilities of the Crown for the Government of India, and to the declared policy of Parliament in respect of the increasing association of Indians in every branch of the administration, and in view of the experience now gained of the operation of the system of Government established by the Government of India Act in respect of the superior Civil Services in India, We have deemed it expedient that a Commission should forthwith issue to enquire into :—

(1) The organisation and general conditions of service, financial and otherwise, of those Services ;

(2) The possibility of transferring immediately or gradually any of their present duties and functions to services constituted on a provincial basis ;

(3) The recruitment of Europeans and Indians respectively for which provision should be made under the Constitution established by the said Act, and the best methods of ensuring and maintaining such recruitment ; and to make recommendations.

ANNEXURE II. TO QUESTIONNAIRE I.

TABLE OF PRINCIPAL CLASSES OF SUPERIOR APPOINTMENTS UNDER THE GOVERNMENT OF INDIA HELD BY MEMBERS OF THE ALL-INDIA SERVICES.

Indian Civil Service—

Appointments under the Foreign and Political Department.
Commissioner, Northern India Salt Revenue Department.
Census Commissioner.
Director General of Commercial Intelligence.
Collector of Customs.
Accountant General and Chief Auditor.
Deputy Controller of Currency.
Controller of Currency.
Auditor General.
Miscellaneous posts such as Opium Agent, etc.
Postmaster-General.
Deputy Director General of the Post Office.
Director General of Posts and Telegraphs.
Deputy Secretary and Secretary to Government of India.
Member of Central Board of Revenue.
Puisne Judge, Calcutta High Court.
Member of Governor General's Executive Council.
Miscellaneous posts such as Chief Commissioner, Delhi, Andaman and Nicobar Islands, etc.

Indian Police Service—

Assistant Director, Deputy Director and Director, Intelligence Bureau.

Indian Forest Service—

Scientific posts at the Forest Research Institute and College such as Forest Economist, etc.
President, Research Institute.
Inspector General of Forests.

Indian Educational Service—

Educational Commissioner.
Appointments of masters on the Chiefs' Colleges cadre under the Political Department.

Indian Agricultural Service—

Agricultural Chemists, Imperial Agriculturists, etc.
Director of the Agricultural Research Institute and College, Pusa.
Agricultural Adviser to the Government of India.

Indian Service of Engineers—

Executive Engineer.
Superintending Engineer.
Chief Engineer.
Consulting Engineer.

ANNEXURE II—*contd.*

Indian Service of Engineers—contd.

Railways—
- Executive Engineer.
- Superintending Engineer.
- Chief Engineer and Deputy Chief Engineer.
- Members, Railway Board.

Indian Medical Service—
- Appointments of Agency and Residency Surgeons under the Political Department.
- Scientific posts such as Director of Medical Research.

Indian Medical Service—contd.
- Director, Central Research Institute, Kasauli, etc.
- Public Health Commissioner.
- Assistant Director, Deputy Director, Director General, Indian Medical Service.

Indian Veterinary Service—
- Scientific posts at the Imperial Bacteriological Laboratory, Mukhtesar, such as Director, Bacteriologists, etc.

TABLE OF PRINCIPAL CLASSES OF SUPERIOR APPOINTMENTS UNDER THE PROVINCIAL GOVERNMENTS HELD BY MEMBERS OF THE ALL-INDIA SERVICES.

Indian Civil Service—
- Sub-Collector, 1st grade, Madras.
- Magistrate Collector, Deputy Commissioner, or Settlement Officer.
- District and Sessions Judge or Divisional Judge.
- Deputy Secretary and Secretary to local Governments and Boards of Revenue.
- Commissioner.
- Member of Boards of Revenue and Financial Commissioner.
- Civilian Judge of High Courts and Judicial Commissioner.
- Member of Governor's Executive Councils.

Indian Police Service—
- Superintendent.
- Deputy Inspector General.
- Deputy Commissioner and Inspector General.
- Commissioner of Police (*e.g.*, Bombay).

Indian Educational Service—
- Inspector of Schools.
- Principal and Professor of College.
- Deputy Director and Director of Public Instruction.

Indian Forest Service—
- Deputy Conservator.
- Conservator.
- Chief Conservator.

Indian Forest Engineering Service—
- Forest Engineers.

Indian Agricultural Service—
- Scientific posts such as Economic, Botanist, etc.

Indian Agricultural Service—contd.
- Principal and Professor of Agricultural College.
- Deputy Director of Agriculture.
- Director of Agriculture.

Indian Service of Engineers—

Irrigation—
- Executive Engineer.
- Superintending Engineer.
- Chief Engineer.

Buildings and Roads—
- Executive Engineer.
- Superintending Engineer.
- Chief Engineer.

Indian Veterinary Service—
- Principal and Professor of Veterinary College.
- Chief Superintendent.
- Superintendent and Veterinary Advisers to Government.

Indian Medical Service—
- Civil Surgeon.
- Chemical Examiner.
- Director of Provincial Bacteriological Laboratory.
- Director of Pasteur Institute, etc.
- Health and Sanitary Officer.
- Superintendent, Surgeon and Physician of Hospital.
- Principal and Professor of College.
- Assistant Director of Public Health.
- Director of Public Health.
- Superintendent of Jails, Asylums, etc.
- Inspector General of Prisons.
- Inspector General of Civil Hospitals.
- Surgeon General.

ANNEXURE III. TO QUESTIONNAIRE I.

STATEMENT SHOWING THE SCALES ON WHICH INDIANS ARE BEING AND WILL BE RECRUITED FOR THE ALL-INDIA SERVICES UNDER PRESENT RULES.

Indian Civil Service ..	37½ per cent. rising by 1½ per cent. annually up to 48 per cent.
Indian Police Service ..	33 per cent. in provinces other than North-West Frontier Province, and Burma. For North-West Frontier Province proportion is restricted to 10 per cent. and for Burma to 22 per cent. of which at least 15 should be Burmans.
Indian Forest Service ..	The percentage of direct recruitment of Indians has been fixed at 40 for India and 25 for Burma for a period of five years from 1921. This includes Indians recruited both in England and India. In addition recruitment by promotion from the Provincial to the Imperial Service has been fixed at 12·5 per cent. of the posts in the Imperial Service.
Indian Agricultural Service	Composition of the Service to be worked up to 50 per cent. Indian, by appointment of Indians, as qualified candidates become available. No definite scale of annual recruitment has been laid down.
Indian Veterinary Service ..	Composition of the Service to be worked up to 50 per cent. Indian by appointment of Indians, subject to their attaining the requisite standard of efficiency. No definite scale of annual recruitment has been laid down.
Indian Educational Service: Men's Branch.	The general rule is that in regulating annual direct recruitment 50 per cent. should be Indians, until 50 per cent. of the composition of the Service is Indian. Indians transferred in posts transferred from the Provincial to the Imperial Service are not included in this 50 per cent. No definite percentage has been laid down for Burma.
Women's Branch	No definite percentage has been fixed.
Indian Service of Engineers	50 per cent. recruited in England, and 50 per cent. in India. Of the 50 per cent. recruited in England 10 per cent. must be Indians. For Burma the percentage recruited in England is 67 instead of 50.
Indian Medical Service ..	The recruitment ratio fixed in 1915 was 2 Europeans to 1 Indian. Proposals to increase the ratio of Indians are at present under discussion.

ANNEXURE IV. TO QUESTIONNAIRE I.

STATUTORY PROVISIONS AND RULES DEFINING AND REGULATING THE POSITION OF THE INDIAN SERVICES, AND IN PARTICULAR OF THE ALL-INDIA SERVICES.

EXTRACTS FROM GOVERNMENT OF INDIA ACT.

45A.—(2) Without prejudice to the generality of the foregoing powers (in regard to the classification of central and provincial subjects), rules made for the above-mentioned purposes may :—

* * * * * *

(iv) provide for regulating the exercise of the authority vested in the Local Government of a province over members of the public services therein.

(For rules made under this section, see page 84.)

67A.—(3) The proposals of the Governor-General in Council for the appropriation of revenue or moneys relating to the following heads of expenditure shall not be submitted to the vote of the Legislative Assembly, nor shall they be open to discussion by either chamber at the time when the annual statement is under consideration, unless the Governor-General otherwise directs :—

* * * * * *

(iii) Salaries and pensions of persons appointed by or with the approval of His Majesty or by the Secretary of State in Council.

72D.—(3) Nothing in the foregoing subsection* shall require proposals to be submitted to the (Governor's Legislative) Council relating to the following heads of expenditure :—

* * * * * *

(iv) Salaries and pensions of persons appointed by or with the approval of His Majesty or by the Secretary of State in Council.

96B.—(1) Subject to the provisions of this Act and of rules made thereunder, every person in the civil service of the Crown in India holds office during His Majesty's pleasure, and may be employed in any manner required by a proper authority within the scope of his duty, but no person in that service may be dismissed by any authority subordinate to that by which he was appointed, and the Secretary of State in Council may (except so far as he may provide by rules to the contrary) reinstate any person in that service who has been dismissed.

If any such person appointed by the Secretary of State in Council thinks himself wronged by an order by an official superior in a governor's province, and on due application made to that superior does not receive the redress to which he may consider himself entitled, he may, without prejudice to any other right of redress, complain to the governor of the province in order to obtain justice and the governor is hereby directed to examine such complaint and require such action to be taken thereon as may appear to him to be just and equitable.

(2) The Secretary of State in Council may make rules† for regulating the classification of the civil services in India, the methods of their recruitment their conditions of service, pay and allowances, and discipline and conduct, Such rules may, to such extent and in respect of such matters as may be prescribed, delegate the power of making rules to the Governor-General in Council or to Local Governments, or authorise the Indian Legislature or Local Legislatures to make laws regulating the public services.

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* The foregoing sub-section requires that "The estimated annual expenditure and revenue of the province shall be laid . . . before the (Governor's Legislative) Council in each year, and the proposals of the Local Government for the appropriation of provincial revenues and other money's in any year shall be submitted to the vote of the Council in the form of demands for grants."

† For rules made under this sub-section, see page 85.

Provided that every person appointed before the commencement of the Government of India Act, 1919, by the Secretary of State in Council to the civil service of the Crown in India shall retain all his existing or accruing rights, or shall receive such compensation for the loss of any of them as the Secretary of State in Council may consider just and equitable.

(3) The right to pensions and the scale and conditions of pensions of all persons in the civil service of the Crown in India appointed by the Secretary of State in Council shall be regulated in accordance with the rules in force at the time of the passing of the Government of India Act, 1919. Any such rules may be varied or added to by the Secretary of State in Council and shall have effect as so varied or added to, but any such variation or addition shall not adversely affect the pension of any member of the service appointed before the date thereof.

Nothing in this section or in any rule thereunder shall prejudice the rights to which any person may, or may have, become entitled under the provisions in relation to pensions contained in the East India Annuity Funds Act, 1874.

(4) For the removal of doubts, it is hereby declared that all rules or other provisions in operation at the time of the passing of the Government of India Act, 1919, whether made by the Secretary of State in Council or by any other authority, relating to the civil service of the Crown in India, were duly made in accordance with the powers in that behalf, and are confirmed, but any such rules or provisions may be revoked, varied, or added to by rules or laws made under this section.

96C.—(1) There shall be established in India a public service commission, consisting of not more than five members, of whom one shall be chairman, appointed by the Secretary of State in Council. Each member shall hold office for five years, and may be reappointed. No member shall be removed before the expiry of his term of office, except by order of the Secretary of State in Council. The qualifications for appointment and the pay and pension (if any) attaching to the office of chairman and member shall be prescribed by rules made by the Secretary of State in Council.

(2) The Public Service Commission shall discharge, in regard to recruitment and control of the public services in India, such functions as may be assigned thereto by rules made by the Secretary of State in Council.

* * * * * * *

96E.—Rules made under this Part* of this Act shall not be made except with the concurrence of the majority of votes at a meeting of the Council of India.

97.—(1) The Secretary of State in Council may, with the advice and assistance of the Civil Service Commissioners, make rules for the examination, under the superintendence of those Commissioners, of British subjects, and of persons in respect of whom a declaration has been made under Section 96A† of this Act, who are desirous of becoming candidates for appointment to the Indian Civil Service.

(2) The rules shall prescribe the age and qualifications of the candidates, and the subjects of examination.

(2A) The admission to the Indian Civil Service of a British subject who or whose father or mother was not born within His Majesty's dominions shall be subject to such restrictions as the Secretary of State in Council,

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* Part VIIA relating to the Civil Services in India.

†Section 96A provides that the Governor-General in Council, with the approval of the Secretary of State in Council, may, by notification, declare that any named ruler or subject of any State in India shall be eligible for appointment to any civil or military office under the Crown to which a native of British India may be appointed, or any named subject of any State, or any named member of any independent race or tribe, in territory adjacent to India, shall be eligible for appointment to any such military office.

with the advice and assistance of the Civil Service Commissioners, may think fit to prescribe, and all such restrictions shall be included in the rules.

(3) All rules made in pursuance of this section shall be laid before Parliament within fourteen days after the making thereof, or, if Parliament is not then sitting, then within fourteen days after the next meeting of Parliament.

(4) The candidates certified to be entitled under the rules shall be recommended for appointment according to the order of their proficiency as shown by their examination.

(5) Such persons only as are so certified may be appointed or admitted to the Indian Civil Service by the Secretary of State in Council.

(6) Notwithstanding anything in this section, the Secretary of State may make appointments to the Indian Civil Service of persons domiciled in India, in accordance with such rules as may be prescribed by the Secretary of State in Council with the concurrence of the majority of votes at a meeting of the Council of India.

Any rules made under this subsection shall not have force until they have been laid for thirty days before both Houses of Parliament.

98. Subject to the provisions of this Act, all vacancies happening in any of the offices specified or referred to in the Third Schedule to this Act,* and all such offices which may be created hereafter, shall be filled from amongst the members of the Indian Civil Service.

99.—(1) The authorities in India, by whom appointments are made to offices in the Indian Civil Service, may appoint to any such office any person of proved merit and ability domiciled in British India and born of parents habitually resident in India and not established there for temporary purposes only, although the person so appointed has not been admitted to that service in accordance with the foregoing provisions of this Act.

(2) Every such appointment shall be made subject to such rules as may be prescribed by the Governor-General in Council and sanctioned by the Secretary of State in Council with the concurrence of a majority of votes at a meeting of the Council of India.

(3) The Governor-General in Council may, by resolution, define and limit the qualification of persons who may be appointed under this section,

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* Third Schedule to the Government of India Act, Section 98 :—

OFFICES RESERVED TO THE INDIAN CIVIL SERVICE.

A.—Offices under the Governor-General in Council.

1. The offices of secretary, joint secretary, and deputy secretary in every department except the Army, Marine, Education, Foreign, Political and Public Works Departments : Provided that, if the office of secretary or deputy secretary in the Legislative Department is filled from among the members of the Indian Civil Service, then the office of deputy secretary or secretary in that department, as the case may be, need not be so filled.

2. Three offices of Accountants General.

B.—Offices in the Provinces which were known in the year 1861 *as "Regulation Provinces."*

The following offices, namely :—

1. Member of the Board of Revenue.
2. Financial Commissioner.
3. Commissioner of Revenue.
4. Commissioner of Customs.
5. Opium Agent.
6. Secretary in every department except the Public Works or Marine Departments.
7. Secretary to the Board of Revenue.
8. District session judge.
9. Additional district or sessions judge.
10. District magistrate.
11. Collector of Revenue of Chief Revenue Officer of district.

but every resolution made for that purpose shall be subject to the sanction of the Secretary of State in Council, and shall not have force until it has been laid for thirty days before both Houses of Parliament.

100.—(1) Where it appears to the authority in India by whom an appointment is to be made to any office reserved to members of the Indian Civil Service, that a person not being a member of that service ought, under the special circumstances of the case, to be appointed thereto, the authority may appoint thereto any person who has resided for at least seven years in India and who has, before his appointment, fulfilled all the tests (if any) which would be imposed in the like case on a member of that service.

(2) Every such appointment shall be provisional only, and shall forthwith be reported to the Secretary of State, with the special reasons for making it; and, unless the Secretary of State in Council approves the appointment, with the concurrence of a majority of votes at a meeting of the Council of India, and within twelve months from the date of the appointment intimates such approval to the authority by whom the appointment was made, the appointment shall be cancelled.

101.—(3) A judge of a high court must be—

(b) a member of the Indian Civil Service of not less than ten years' standing, and having for at least three years served as, or exercised the powers of, a district judge.

* * * * * * *

(4) Provided that not less than one-third of the judges of a high court, including the chief justice but excluding additional judges, must be such barristers or advocates as aforesaid, and that not less than one-third must be members of the Indian Civil Service.

EXTRACT FROM THE (DEVOLUTION) RULES MADE UNDER SECTION 45A (2) (see page 81).

10. The authority vested in the Local Government over officers of the public services employed in a Governor's Province shall be exercised in the case of officers serving in a department dealing with reserved subjects by the Governor in Council, and in the case of officers serving in a department dealing with transferred subjects by the Governor acting with the minister in charge of the department: provided that—

(*a*) no order affecting emoluments or pensions, no order of formal censure, and no order on a memorial shall be passed to the disadvantage of an officer of an All-India or Provincial Service without the personal concurrence of the Governor; and

(*b*) no order for the posting of an officer of an All-India Service shall be made without the personal concurrence of the Governor.

11. If an officer performs duties both in a department dealing with reserved subjects and in a department dealing with transferred subjects, the Governor shall decide in which department he shall be deemed to be serving.

12. A Local Government shall employ such number of Indian Medical Service officers in such appointments and on such terms and conditions as may be prescribed by the Secretary of State in Council.

RULES UNDER SECTION 96B (2) OF THE GOVERNMENT OF INDIA ACT (see page 81).

In exercise of the powers conferred by section 96 B (2) of the Government of India Act, the Secretary of State in Council, with the concurrence of the majority of votes at a meeting of the Council held this 22nd day of December, 1920, hereby makes the following rules under the said section, which shall apply only to Governor's Provinces, and shall have effect from the several dates appointed for the coming into operation of the said section in those provinces.

Classification of Officers under Administrative Control of Local Governments.

I. Officers under the administrative control of Local Governments, other than officers employed on the administration of central subjects and appointed by the Secretary of State or the Government of India, shall be classified in the following divisions, namely :—

(1) the All-India Services,
(2) the Provincial Services,
(3) the Subordinate Services,
(4) officers holding special posts.

Definition of All-India Services.

II. The All-India services shall consist of—

(*a*) all officers serving under Local Governments who are members of any of the following services—

(1) the Indian Civil Service,
(2) the Indian Police Service,
(3) the Indian Forest Service,
(4) the Indian Educational Service,
(5) the Indian Agricultural Service,
(6) the Indian Service of Engineers,
(7) the Imperial branch of the Civil Veterinary Department,
(8) officers of the Indian Medical Service in civil employ,

and any other service declared by the Secretary of State in Council to be an all-India Service ; *

(*b*) military officers and other officers holding posts borne on the provincial cadres of the above services.

Definition of Provincial Services.

III.—(1) The Provincial Services shall consist of the services shown in the schedule to these rules, and any other service declared by the Local Government to be a provincial service.

(2) The services shown in the schedule shall include all appointments at present included in these services, and any appointments which a Local Government may add thereto :

Provided that if any service not included in the schedule to these rules is declared to be a provincial service, or if any appointment of a kind or class not at present included in a provincial service is added thereto, such declaration or addition shall be without prejudice to the rights and prospects of members of provincial services affected who were appointed before these rules were made.

Definition of Subordinate Services.

IV. The Subordinate Services shall consist of all minor administrative, executive, and ministerial posts to which appointments are made by the Local Government or by an authority subordinate to the Local Government.

Special Posts.

V. Special posts shall include all posts of a special or technical character, not included in an All-India or Provincial Service, to which appointments are made by the Local Government or by any other authority on behalf of the Local Government and which are declared by the Local Government to be special posts.

* By Resolution in Council, dated 12th December, 1922, item (7) was altered to " the Indian Veterinary Service " and by Resolution, dated 5th September 1923 " the Indian Forest Engineering Service " was added.

Appointments to All-India Services.

VI. All first appointments to an All-India Service, other than appointments made by promotion to such service of officers belonging to some other service or of members of the bar appointed to posts ordinarily held by members of the Indian Civil Service, shall be made by the Secretary of State in Council.

VII. Save as provided in the rules or orders regulating the recruitment of the All-India services, no person may be appointed without the previous sanction of the Secretary of State in Council to any post borne on the provincial cadre of such service except a person who is either a member of such service or is already holding a post borne on the cadre of such service :

Provided that the Local Government may appoint a member of the Indian Civil Service to the post of Inspector-General of Police or to the post of Director of Agriculture.

Promotion of Officers of All-India Services.

VIII. The local Government has authority to promote officers of an All-India Service to any post borne on the provincial cadre of such service :

Provided that the prior approval of the Governor-General in Council is required to—

(1) the appointment of officers with less than 25 or 18 years' service respectively to the posts of Chief and Superintending Engineers in the province of Assam, and

(2) appointments except in the provinces of Madras and Bombay to the post of—

(*a*) Chief Conservator of Forests, and

(*b*) Conservators of Forests.

Transfer of Officers of All-India Services.

IX. The power to transfer officers of an All-India Service from any one post to any other post borne on the cadre of such service, or from any one part of the province to any other part, is vested in the local Government, but may be delegated by the Local Government, subject to such conditions as it may prescribe, to any authority subordinate to it, or in the case of officers holding judicial posts, to a High Court or a Chief Court or the Court of a Judicial Commissioner.

Authority of Local Government over Officers of All-India Services.

X. A Local Government may for good and sufficient reasons—

(1) censure,

(2) reduce to a lower post,

(3) withhold promotion from, or

(4) suspend from his office

any officer of an All-India Service :

Provided that no head of a department appointed with the approval of the Governor-General in Council shall be reduced to any lower post without the sanction of the Governor-General in Council.

Military Officers in Civil Employ.

XI. A military officer may not be reverted from his civil employment except under the orders of the Governor-General in Council.

Special Contracts.

XII. The sanction of the Secretary of State in Council is required to any terms in a special contract, by which any right, privilege or concession not admissible under these rules is secured to an officer.

Authority of Local Government over Officers of Provincial and Subordinate Services, and Officers holding Special Appointments.

XIII. Without prejudice to the provisions of any law for the time being in force, the Local Government may for good and sufficient reasons—

(1) censure,
(2) withhold promotion from,
(3) reduce to a lower post,
(4) suspend,
(5) remove, or
(6) dismiss

any officer holding a post in a provincial or subordinate service or a special appointment.

Procedure in cases of Dismissal, Removal or Reduction.

XIV. Without prejudice to the provisions of the Public Servants Inquiries Act, 1850, in all cases in which the dismissal, removal or reduction of any officer is ordered, the order shall, except when it is based on facts or conclusions established at a judicial trial, or when the officer concerned has absconded with the accusation hanging over him, be preceded by a properly recorded departmental enquiry. At such an enquiry a definite charge in writing shall be framed in respect of each offence and explained to the accused, the evidence in support of it and any evidence which he may adduce in his defence shall be recorded in his presence and his defence shall be taken down in writing. Each of the charges framed shall be discussed and a finding shall be recorded on each charge.

Delegation.

XV. A Local Government may delegate to any subordinate authority, subject to such conditions, if any, as it may prescribe, any of the powers conferred by Rule XIII in regard to officers of the subordinate services :

Provided that every such officer on whom any punishment is inflicted shall be entitled to prefer at least one appeal against such order to such authority as the Local Government may prescribe.

SCHEDULE OF PROVINCIAL SERVICES.

(RULE III.)

Madras.

(1) Madras Civil Service.
(2) Madras Educational Service.
(3) Madras Civil Medical Service.
(4) Madras Police Service.
(5) Madras Agricultural Service.
(6) Madras Agricultural Engineering Service.
(7) Madras Engineering Service.
(8) Extra Assistant Conservators of Forests.
(9) District Registrars.
(10) Gazetted officers of the Jail Department not belonging to the Indian Medical Service.
(11) Deputy Sanitary Commissioners not belonging to the Indian Medical Service.
(12) Gazetted officers of the Survey and Land Records Department not belonging to the Indian Civil Service.
(13) Officers above the rank of Assistant Inspectors in the Salt and Excise Department not belonging to the Indian Civil Service.

(14) Deputy Superintendents in the Veterinary Department and the Assistant Principal of the Veterinary College.
(15) Chief Inspector and Inspectors of Factories.
(16) Assistant Registrars of Co-operative Societies.
(17) The Chief Boiler Inspector and Boiler Inspectors.

Bombay.

(1) Bombay Civil Service.
(2) Bombay Educational Service.
(3) Bombay Civil Medical Service.
(4) Bombay Police Service, and Superintendents of the Bombay City Police.
(5) Bombay Agricultural Service, that is, officers of and above the rank of Assistant Professors of the Agricultural College and Divisional Superintendents not being members of an All-India Service.
(6) Bombay Engineering Service.
(7) Extra Assistant Conservators of Forests.
(8) Sub-Registrars of the Bombay City.
(9) Non-medical Superintendents of Jails.
(10) Deputy Commissioners not belonging to the Indian Civil Service, Assistant Collectors and Officers of the rank of Senior grade Inspectors recruited by direct appointment of the Bombay Salt and Excise Department.
(11) Officers of and above the rank of Assistant Professors of the Bombay Civil Veterinary College and Deputy Veterinary Superintendents not being members of an All-India Service.
(12) Inspectors of Factories, steam boilers and smoke nuisances.
(13) Officers of and above the rank of Assistant Registrars and Special Auditors of Co-operative Societies.
(14) Deputy Sanitary Commissioners, Port Health Officers and Bacteriological Officers (including officers in charge of sanitary laboratories) not belonging to the Indian Medical Service.
(15) Shipping and Deputy Shipping Masters.
(16) Deputy Political Agents.
(17) Commissioners and Collectors of Income Tax.
(18) Bombay Customs Service.

Bengal.

(1) Bengal Civil Service.
(2) Bengal Educational Service.
(3) Bengal Civil Medical Service.
(4) Bengal Police Service.
(5) Bengal Agricultural Service.
(6) Bengal Engineering Service.
(7) Bengal Forest Service.
(8) District Registrars.
(9) Bengal Excise Service, that is Inspectors, Prosecutors, Superintendents and Deputy Commissioners.
(10) Bengal Veterinary Service.
(11) Deputy Sanitary Commissioners not belonging to the Indian Medical Service.
(12) Bengal Pilot Service.
(13) Bengal Gardeners' Service.

United Provinces.

(1) United Provinces Civil Service.
(2) United Provinces Educational Service.
(3) United Provinces Civil Medical Service.
(4) United Provinces Police Service.
(5) United Provinces Engineering Service.
(6) United Provinces Agricultural Service.
(7) Extra Deputy Conservators and Extra Assistant Conservators of Forests.
(8) Inspectors of Registration Offices.
(9) Assistant Excise Commissioners.
(10) Deputy Superintendents of the United Provinces Civil Veterinary Department.
(11) Deputy and Assistant Registrars of Co-operative Societies.
(12) Sub-Deputy and Assistant Opium Agents.
(13) Deputy Sanitary Commissioners not belonging to the Indian Medical Service.

Punjab.

(1) Punjab Civil Service.
(2) Punjab Educational Service.
(3) Punjab Civil Medical Service.
(4) Punjab Police Service.
(5) Punjab Agricultural Service.
(6) Punjab Service of Engineers.
(7) Punjab Forest Service.
(8) Punjab Veterinary Service.
(9) Deputy Sanitary Commissioners not belonging to the Indian Medical Service.

Bihar and Orissa

(1) Bihar and Orissa Civil Service.
(2) Bihar and Orissa Educational Service.
(3) Bihar and Orissa Civil Medical Service.
(4) Bihar and Orissa Police Service.
(5) Assistant Directors of Agriculture.
(6) Bihar and Orissa Engineering Service.
(7) Bihar and Orissa Forest Service.
(8) Deputy Superintendents of Jails.
(9) Superintendents of Excise and Salt.
(10) Deputy Sanitary Commissioners not belonging to the Indian Medical Service.

Central Provinces.

(1) Central Provinces Civil Service.
(2) Central Provinces Educational Service.
(3) Central Provinces Civil Medical Service.
(4) Central Provinces Police Service.
(5) Central Provinces Agricultural Service.
(6) Central Provinces Engineering Service.
(7) Central Provinces Forest Service.
(8) Deputy Directors of Land Records.
(9) The upper cadre of District Excise Officers.
(10) Deputy Superintendents of the Central Provinces Civil Veterinary Department.
(11) Collectors of Income-tax.
(12) Deputy Sanitary Commissioners not belonging to the Indian Medical Service.

Assam

(1) Assam Civil Service.
(2) Assam Educational Service.
(3) Assam Civil Medical Service.
(4) Assam Police Service.
(5) Assam Agricultural Service.
(6) Assam Service of Engineers.
(7) Extra Deputy Conservators and Extra Assistant Conservators of Forests.
(8) Excise Superintendents.
(9) Deputy Superintendents, Assam Veterinary Department.
(10) Deputy Sanitary Commissioners not belonging to the Indian Medical Service.

EXTRACT FROM RULES RELATING TO EXPENDITURE BY THE GOVERNMENT OF INDIA ON SUBJECTS OTHER THAN PROVINCIAL. (GOVERNMENT OF INDIA, FINANCE DEPARTMENT, RESOLUTION No. 1448 E.A., DATED 29TH SEPTEMBER, 1922.)

The previous sanction of the Secretary of State in Council is necessary :—

(1) To the creation of any new or the abolition of any existing, permanent post, or to the increase or reduction of the pay drawn by the incumbent of any permanent post, if the post in either case is one which would ordinarily be held by a member of one of the services named in the Schedule, or to the increase or reduction of the cadre of any of those services.

* * * * * *

The Schedule.

(1) Indian Civil Service.
(2) Indian Police Service.
(3) Indian Forest Service.
(4) Indian Educational Service.
(5) Indian Agricultural Service.
(6) Indian Service of Engineers.
(7) The Imperial Branch of the Civil Veterinary Department.
(8) Indian Medical Service.
(9) Imperial Customs Service.
(10) Indian Audit and Accounts Service.
(11) Superintendents and Class I of the Survey of India Department.
(12) The Superior Staff of the Geological Survey of India Department.
(13) The Superior Telegraph Branch of the Post and Telegraph Department.
(14) The State Railway Engineering Service.
(15) The Superior Staff of the Mint and Assay Departments.
(16) The Archæological Department.
(17) Any other service declared by the Secretary of State in Council to be included in this Schedule.

EXTRACT FROM RULES RELATING TO EXPENDITURE BY A GOVERNOR IN COUNCIL ON RESERVED PROVINCIAL SUBJECTS. (GOVERNMENT OF INDIA, FINANCE DEPARTMENT, RESOLUTION No. 1449 E.A., DATED 29TH SEPTEMBER, 1922.)

1. The previous sanction of the Secretary of State in Council is necessary :—

(1) To the creation of any new, or the abolition of any existing, permanent post, or to the increase or reduction of the pay drawn by the incumbent of any permanent post, if the post in either case is one which would ordinarily be held by a member of an All-India Service, or to the increase or reduction of the cadre of an All-India Service.

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EXTRACT FROM SCHEDULE III OF THE DEVOLUTION RULES RELATING TO EXPENDITURE BY A LOCAL GOVERNMENT ON TRANSFERRED SUBJECTS.

1. The previous sanction of the Secretary of State in Council is necessary :—

(1) to the creation of any new, or the abolition of any existing, permanent post, or to the increase or reduction of the pay attached to any permanent post, if the post in either case is one which would ordinarily be held by a member of an All-India Service, or to the increase or reduction of the cadre of an All-India Service.

EXTRACT FROM INSTRUMENT OF INSTRUCTIONS TO GOVERNORS.

VII. But in addition to the general responsibilities with which you are, whether by statute or under this Instrument, charged, We do further hereby specially require and charge you :—

* * * * * * *

(4) to safeguard all members of Our services employed in the said presidency in the legitimate exercise of their functions, and in the enjoyment of all recognised rights and privileges and to see that your Government order all things justly and reasonably in their regard, and that due obedience is paid to all just and reasonable orders and diligence shown in their execution.

II.

Questionnaire on Service Conditions in the All-India Services.

1. Taking into consideration the provisions of the Government of India t, do you consider that the position of members of the Services is adeately safeguarded as regards (i) pay (ii) allowances (iij) prospects) pensions. If not, and bearing in mind the existing constitutional sition in India, have you any proposals to make ?

2. Have you any observations to offer on the scheme for retirement on proportionate pension announced in the Government of India, Home Department, Resolution dated 8th November, 1921, No. F.-149-I. (Establishments) as subsequently amended ?

3. What are your views with regard to the present rates of pay ? Give any figures available to you, e.g., family budgets, distinguishing between expenditure in India and expenditure involving remittance to the United Kingdom. If a new scale of remuneration were fixed now, how would you provide for its adjustment to meet future variations in prices and exchange ?

4. What are your views with regard to the question of passage allowances for officers in the Services and their families ? If such allowances were granted, would you prefer that they should take the form of an increase of overseas pay to all officers or the grant of a certain number of passages during an officer's service to himself, his wife and family ?

5. Have you any criticisms to make regarding the allowances payable to the Services ?

6. Have you any observations to offer regarding the withdrawal of exchange compensation allowance ?

7. Do you consider that any grievance exists in respect of house-accommodation, the rent chargeable for official residences, or the house-rent allowances granted when no official residence is available ?

8. Have you any criticism to make regarding the leave rules ?

9. Do you consider that the pension rules and scales are satisfactory ? If not, give reasons in detail for any proposals you may have to make. Do you consider that subscription to Provident Funds by Government in lieu of pensions should be adopted for (1) officers now in the Services and (2) future recruits ? Have you any observations to make on the rules governing commutation of pensions, and in particular the existing one-third restriction on the proportion of pension which may be commuted ?

10. What is your opinion of the comparative merits of family pensions and provident funds as provision for the families of deceased officers ? Have you any observations to offer regarding the existing I.C.S. Family Pension Fund ?

11. Do you consider that suitable provision is made for medical attendance for officers and their families ? If not, have you any proposals to make?

APPENDIX II.

NOTE BY LIEUTENANT-GENERAL SIR C. H. BURTCHAELL, K.C.B., C.M.G., FORMERLY DIRECTOR, MEDICAL SERVICES IN INDIA, ON THE RECOMMENDATIONS OF THE VERNEY-LOVETT COMMITTEE.

The report of the Medical Services Committee, 1919, and the discussions and proposals that appear in the Army Department files on the same subject since 1879, point to the desirability of forming a single medical corps for the Army in India. If such a corps be formed, it must be organised to meet all requirements, separately, of (i) British troops, and (ii) Indian troops, during peace in India, and of both categories of troops during war, whether they be employed independently or in combination on, or beyond, the frontier of India or overseas.

2. In considering the points leading up to the recommendations for the formation of an Indian Medical Corps, the Committee did not bring out prominently the distinction that must be observed between British troops and Indian troops, especially in connection with the purpose for which the former are maintained in India and their possible dispositions during war. The Public Services Commission lays stress on the necessity of calculating separately on their merits :—

(i) The needs of the Army (including, of course, the British Army),
(ii) The needs of the Civil Administration.

Close adherence to that precept and a fuller consideration of the wider aspects, on their merits, of the needs of the Army would have enabled the Committee to avoid the rock on which all former proposals for a single medical service for the Army in India were wrecked, namely, the inexpediency, if not the impossibility, of depriving the British troops in India of the officers of the medical service of the British Army as a whole. The proposed Indian Medical Corps, by reason of its title and the composition of its officers, irrespective of efficient military training and organisation, would in no way overcome the inconveniences that are said to have been experienced during the Great War, when medical officers and medical units of the Indian Army were brought into contact with officers and units of the Royal Army Medical Corps in overseas theatres of war.

The Committee state that the Indian Medical Service officers found themselves at a disadvantage alongside officers of the Royal Army Medical Corps by whom they were constantly superseded ; friction, overlapping and re-duplication of effort occurred ; this resulted sometimes from the widely different antecedents of the officers, and the existence side by side of two cadres of medical officers with different rates of pay, leave rules and terms for pension. To obviate this undesirable state of affairs in future wars, the Committee arrived at the rather peculiar conclusion (paragraph 43), that after the formation of one Indian Medical Corps, composed of British and Indian officers, and further removed in antecedents and conditions of service from the Royal Army Medical Corps than the present Indian Medical Service, co-operation and interchange of duties would be facilitated, and the officers and men of the Indian Medical Corps and the Royal Army Medical Corps would find it possible, and indeed easy, to work together when they met outside the boundaries of India on field service.

If there were difficulties in the past what will be the situation in an overseas theatre of war in the future when the British troops or composite Indian divisions from India arrive at the scene of operations with their Indian Medical Corps medical officers and organisations, and start work in the same army corps or army alongside the Royal Army Medical Corps ? In some years to come not one of the latter officers would have the slightest acquaintance with India or its medical corps. A not impossible contingency would be the despatch of organised fighting divisions from the United Kingdom to India. No officer of the Royal Army Medical Corps would possess any knowledge of India, its diseases or dangers to health. The

Assistant Director, Medical Services, of a British division might, indeed, by seniority, at once become a Deputy Director, Medical Services, of a formation including troops of the Indian Army with their complement of Indian Medical Corps, and he might possibly possess less total service than the senior officer of the Indian Medical Corps on the spot. Thus in military operations on a large scale, in or out of India, " unification " on the lines proposed by the Committee falls to the ground, and the way is open to again create, in war, the grievances arising from supersession and comparative rates of pay, which would probably reappear in a form even more acute than that they are said to have taken during the past five years.

4. So long as the reasons which necessitate the maintenance of the British Army in India hold good, and so long as British troops on the Indian establishments are liable to be called upon for service in other parts of the world, British officers of the medical corps of the British Army must be retained on the Indian establishment, and be available for transfer with troops to any theatre of war, where in the ordinary course they would be interchangeable with the medical officers of the Army as a whole. The despatch of British troops from India to South Africa in 1899, and to the United Kingdom and France in 1914, are cases in point. On both occasions a number of trained Royal Army Medical Corps officers accompanied the troops and their services were utilised on the duties for which they were most suited in the field army, irrespective of the troops they happened to accompany from India. Therefore the proposal for the absorption into an Indian Medical Corps of the officers of the Royal Army Medical Corps on the Indian establishment must now, as in the past, be condemned on purely military grounds.

Apart from the inexpediency from a military point of view of the lesser military medical service absorbing a portion of the greater, there are other reasons affecting the care, comfort and welfare of British troops in India against the introduction of an Indian Medical Corps, constituted as proposed by the Committee.

The proposed Indian Medical Corps is designed to contain British medical officers and Indian medical officers—Indians. The Committee was of opinion (paragraph 54) that it was not advisable to fix a percentage of Indians to be admitted to the proposed corps, but, although they thought it impossible at the present day to mix at once and entirely British and Indian doctors and to use them indiscriminately for the treatment of British and Indian troops, they believed that if there were a " unified " service it would be possible to extend gradually the medical care of British troops into the hands of Indian officers. Yet the Committee insist (paragraph 50) that in every military station and in every civil district headquarters there should be available a European medical officer and that arrangements should certainly be made for a European medical attendant to be secured for European officials, their wives and families, as well as for European planting, railway and other non-official communities.

The assertion that the British officer and soldier seem to object (paragraph 41) to treatment by Indian doctors, not because they are Indians, but because they have not, with few exceptions, attained a standard equal to that of British doctors, may, to a certain extent, be correct, but the Committee did not take into account the wider duties of a military medical officer in connection with healthy troops which are often more prominent than the medical treatment of a sick officer or man.

A previous proposal relating to the establishment of a single medical service was thrown out on this point alone. The War Office then stipulated that Indian members of the Indian Medical Service should not, under any conditions, be considered eligible for charge of white troops.

The present military assistant surgeons " will have become highly trained doctors," and the Committee consider (annexure VIII, paragraph (3)) they should be employed in lieu of commissioned medical officers, British or Indians. Military assistant surgeons, are, however,

Anglo-Indians, with a small number of Europeans amongst them. Only a few of the latter and still fewer of the former have, at the present day, any real influence whatever over British soldiers in hospital, and they would be quite unable, as medical officers in charge of effective troops in barracks or camps, to exercise the control necessary to maintain a high standard of sanitation and to prevent loss of strength from minor causes of physical inefficiency.

Therefore, on grounds of military necessity, efficiency, discipline and sentiment, officers of the medical corps of the British Army must always be available in the necessary numbers to provide all medical requirements of the British troops in India.

5. The above reasons which in the past caused schemes aiming at a single service to be rejected not only still hold good, but new factors that were not present when the subject came for discussion on previous occasions have now to be taken into consideration :—

(i) It has become strongly impressed on all competent observers that continuous service with the Army in India, especially in the medical service, such as would be the fate of an officer of the proposed Indian Medical Corps who did not secure civil employment—and there would be many such—is detrimental to efficiency and tends to produce stagnation. On the other hand, there is ample evidence that the transfer to India of officers who have served in the United Kingdom and abroad, elsewhere than India, stimulates initiative and makes for progress and improvement in all branches of work. It is, therefore, desirable to keep in force the system which prevails in the case of the Royal Army Medical Corps and to extend it so far as possible to the medical service of the Indian Army.

(ii) The state of the Indian Medical Service as regards the prospective supply of British candidates is extremely serious. The output of medical graduates from the medical schools in the United Kingdom at the present time is relatively small, and may diminish while demands for medical men are great. But were that not so, is there any likelihood, having regard to the circumstances which led up to the present state of the Service, that the change in name of the Indian Medical Service to the Indian Medical Corps with a probable reduction in the number of civil appointments would attract candidates to the career offered ? The report of the Committee shows (paragraph 10) that the Indian Medical Service progressively declined in popularity during the years before the war; that its officers are in a state of acute discontent partly because they share in the unusual anxiety with which the future is now regarded by British officers in all Indian services; that the service has become depressed and has ceased to attract British candidates, while Indian candidates have increased and will go on increasing; that the output of Indian medical graduates will tend to hasten an already remarkable decline in the private practice open to officers of the superior Government service, and that an Indian career occupies a position in popular estimation in England decidedly inferior to the position it occupied in 1902.

The Committee say (paragraph 38) that they are hardly in a position to estimate the exact degree of inducement which the medical services in India should offer, but they conjecture that "*some number*" of the diminishing output of medical graduates in Great Britain will still be attracted to an Indian career provided that (1) the political aspect clears, (2) pecuniary and leave conditions are attractive, (3) candidates are not asked to pledge themselves irrevocably for 30 years to a service, the conditions of which are likely to be obscure.

(iii) It is not thought possible (paragraph 51) to secure a sufficient supply of European candidates for the proposed Indian Medical Corps unless retirements on gratuities be permitted after fixed periods before pension is earned in order to guarantee British candidates against a possible prospect of being tied for life to India much against their will.

(iv) It is impossible at present to form a medical corps for the Indian Army unless the officers of the Royal Army Medical Corps serving in India voluntarily transfer into it.

The Committee did not appear to have given much consideration to the fact that the attractions required to draw candidates into the service from the medical schools in the United Kingdom are the same as those required to induce any number of Royal Army Medical Corps officers to transfer.

(v) The Royal Army Medical Corps, the report states, is now a flourishing service, while the Indian Medical Service has ceased to attract the competition it once commanded so easily.

This is well-known. Some 15,000 or 20,000 civilian medical gentlemen served in the Royal Army Medical Corps during the war. The name and work of the corps as successfully accomplished by a combination of the regular and temporary officers, is familiar not only throughout the profession in the United Kingdom, but in the allied countries.

6. The solution seems to be to take up the alternative scheme which the Committee rejected (paragraph 54) and to form in India a new corps and a new service—the one distinct from the other :—

(1) The Royal Army Medical Corps (India). To provide for all medical requirements of the Army in India, both British and Indian troops, in peace and in war.

(2) The Imperial Indian Medical Service. A separate Civil Medical Service quite independent of the Army, but drawing its officers from the army for temporary or permanent service to fill such appointments as may be reserved for British or Indian medical officers of the Army.

As regards (1), it would not be feasible to create in India a medical corps and amalgamate it with the element of the Royal Army Medical Corps that happened to be serving in India. It should, however, be possible to form the Royal Army Medical Corps (India) consituted as a corps of the Indian Army, and composed of Indian and British personnel. Such a designation would tend to promote harmony and co-operation with the Royal Army Medical Corps of the British Army, and it may reasonably be expected to prevent invidious comparisons and friction in operations overseas where British and Indian troops are employed in the same force.

All officers and other ranks, Royal Army Medical Corps, while serving, in India, would be attached to the Royal Army Medical Corps (India).

The Committee rejected the suggestion that a Royal Army Medical Corps might be introduced into India on the grounds that the Royal Army Medical Corps only admits candidates of unmixed European blood. Indians, however, might be given commissions in the Royal Army Medical Corps and be allotted for permanent service in India with Indian troops, and be eligible for transfer to the Civil Imperial Medical Service or they might be given special commissions in the Royal Army Medical Corps (India). The question of granting commissions in the Royal Army Medical Corps to Indians for service in India only is one which at the present day merits consideration. There is no very obvious objection against granting such commissions to suitable and specially selected Indians.

The Royal Army Medical Corps (India) might be formed, with some modifications of the various categories of personnel, as contemplated in the organisation suggested for the Indian Medical Corps in Annexure VIII of the Report.

The principles of admission of officers to the corps and courses of instruction would be as laid down in the Report.

The nursing section for British hospitals should, however, be composed of Royal Army Medical Corps other ranks. Anglo-Indians could not take the place of British non-commissioned officers and men of the Royal Army Medical Corps, who would be available, if necessary, for transfer out of India with British troops. Moreover, it is not desirable that the British soldier in India should be deprived of the trained hospital attendants which are provided for him in all other parts of the world.

The officers of the Indian Medical Service, whether in civil or military employment, would retain all their existing rights and privileges as regards promotion, pay and pension. Transfers of senior officers from civil to military would cease. Those awaiting retransfer or transfer to civil would have priority of claim as vacancies in civil under the Imperial Indian Medical Service became available. Officers so transferred would remain permanently in civil or revert to Army service according to their seniority or nature of appointment held—senior officers transferred and holding important civil appointments would remain permanently in civil—junior officers would revert to military after a period of years (to be decided) unless the civil administration desired their permanent transfer to civil employ and the officer did not desire to revert to military.

All these officers would be in a position to maintain that substantial merit and high standard of duty, which the Committee remark in paragraph 39 should characterise the Civil Medical Service.

Other officers not now due for retransfer to civil or who had not applied when the change of name is introduced would take their turn for civil appointment with all officers Royal Army Medical Corps (India) or Royal Army Medical Corps attached.

The Indian Medical Service officers remaining in military employment would become officers of the Royal Army Medical Corps or of the Royal Army Medical Corps (India) according to whether it be decided that all European military medical officers should belong to the Royal Army Medical Corps or that the officers of that corps should be attached to Royal Army Medical Corps (India) during their first period of service in India and later on, after a tour of service out of India, taken on the cadre of the Royal Army Medical Corps (India), if they elected for permanent service in India.

The conditions of admission for Europeans and Indians should be through one channel, i.e., examinations held for candidates for the Royal Army Medical Corps in London.

The principles laid down in paragraph 52 of the Report regarding special courses of instruction in the United Kingdom for Indians and the grant of scholarships should be brought into operation.

British officers would enter the Royal Army Medical Corps which would provide the number of British medical officers required in India, both for service with British and Indian troops. Indian candidates would be admitted to fill the number of vacancies existing in the cadre of the Royal Army Medical Corps (India) available for Indians.

Officers required to fill the number of vacancies set apart for them in the Imperial Indian Medical Service would be seconded for duty with that service on the lines suggested in paragraph 48 of the Report for periods of five years. They would be granted pay and special precedence in accordance with the appointment held. If at the end of ten years they did not desire to revert to military service, they would be permanently admitted to the civil cadre, and then take their place with civil officers similarly to officers of the Army holding Indian Civil Service posts in the regulation provinces

or employed in the Public Works as recommended by the Public Services Commission. Indians would be eligible equally with Europeans for transfer to the Imperial Indian Medical Service.

Officers permanently transferred to the Imperial Indian Medical Service and those holding teaching, research and certain residuary appointments would not be liable to recall to military duty in the event of war. The Army by arrangement with the civil Government should have no difficulty in obtaining the services of those officers who had attained positions of professional eminence for temporary employment as consultants during war.

7. A cadre of officers, Royal Army Medical Corps (India) and Royal Army Medical Corps attached, based on a ratio of 3·5 per thousand of strength of British and Indian troops, would probably suffice as a peace establishment. All medical officers doing duty with British troops would be British. Of those doing duty with Indian troops, 30 per cent. to 40 per cent. would be Indians, to be raised to 50 per cent., if, owing to improved methods of instruction in professional work, and military training, a sufficient number of suitable and reliable Indian officers became available.

8. The war reserve would be provided on the lines suggested in paragraphs 49 and 47 of the Report. It is not likely that there would be any danger of an inflated reserve monopolising the civil appointments as suggested in the Secretary of State's despatch of 11th October, 1918, to the Government of India (paragraph 3 (iv)). If the strength of British Royal Army Medical Corps officers is maintained on the ratio of four per thousand troops, the requirements of British troops engaged in ordinary operations on the frontier could be met. Indian officers of the Royal Army Medical Corps (India) would improve by training and experience, and it might be feasible on mobilisation to increase the proportion of those officers to British Royal Army Medical Corps serving with Indian troops.

9. The recommendations in paragraph 9 of Annexure VIII should be carried out. It is eminently desirable that officers, Indian and British, should go through the post-graduate course at the Royal Army Medical Corps College, London. Such an arrangement would undoubtedly assist officers in keeping abreast of the advance of scientific knowledge and enable those serving in India to keep in touch with progress in England. It is equally important that a Royal Army Medical Corps College (India) be established in India as recommended by Sir George Makins. Such an institution should be organised and conducted so far as possible on exactly similar lines to the Royal Army Medical Corps College in London. The commandants and professors at both colleges should keep in touch. Lecturers might be interchanged when circumstances allowed, and either institution would be likely to benefit by such a change. Courses of instruction and examinations for promotion could be instituted at the College in India for officers unable to attend the course in London.

10. The necessity for the formation of an Indian State Medical Service, separate for the military service, appears to have impressed many persons who have had occasion to review the organisation of the Indian Medical Service throughout a long period of years.

The want of such a service seems to have been one of the main factors which gave rise during the Great War to the inconvenience, friction and overlapping referred to in the Committee's Report. When those terms are used, it is not in every case apparent whether they refer to (i) military duties being performed by officers of two separate services, (ii) personal disabilities and grievances of individual officers, or (iii) circumstances resulting from the constitution of the Indian Medical Service being partly military and partly civil. Apparently there has been little or no actual service inconvenience from officers of the two military medical services doing duty alongside each other. References to the subject in previous discussions on

reorganisation, and in the recent Committee's Report show that inconveniences were, in a great measure, due to the fact that the Indian Medical Service, although classified as being primarily military, is employed on civil duties to the extent of over 62 per cent. of the whole.

Discussions many years back, opinions by distinguished administrative medical officers in the past, and more recently of the report of the Public Services Commission point to the conclusion that the advantages that would accrue from a civil medical service independent of the medical service of the Army would outweigh the disadvantages, and that such a change is necessary to promote efficiency in both the civil medical administration and the military medical service. Sir George Makins draws attention to the extent of the medical work of the country (Annexure III).

Apart from the direction and co-ordination of medical education, research, public health registration, the service of medical women and the nursing services of the civil community, it would seem that there is urgent need for a more extensive organisation of medical work under an independent State medical service, and that there are many openings for the employment of a considerable British element, outside the war reserve officers, in all branches of the civil medical administration as emphasised by Sir Temulji Nariman, Kt. (paragraph 49). The Report of the Committee states that the existing civil organisation is hopelessly inadequate to meet the needs of the country; that it has been starved and understaffed; that all sanitary administrations are in ordinary times under-manned; that civil surgeons are over-worked, colleges and schools under-staffed, and that more deputy sanitary commissioners are required. The Committee further point out that each provincial administration should report to the Government of India the number of posts it would reserve as permanent appointments for officers entering the State Medical Service from the military medical corps, and that the military authorities should state the numbers needed as ordinary war reserve.

If this is done, will it be possible, with the vast field of professional and research work available, to again ensure a supply of good British doctors for India by passing them through the one channel of the military medical service of the Army to the Imperial Indian Medical Service in which they will have opportunities to uphold the distinguished reputation of past and present members of the Indian Medical Service?

If the Government were to announce that the Royal Army Medical Corps was about to be extended to India as the Royal Army Medical Corps (India) with definite conditions of pay, leave and pension for the medical service in India, and that a State Medical Service was about to be instituted under the title Imperial Indian Medical Service to which transfers from existing Indian Medical Service and future Royal Army Medical Corps (India) would be made, without commitment to permanent Indian service, it is extremely probable that good men would be attracted who would not enter the Indian Medical Service under the existing conditions, or an Indian medical corps under the conditions proposed by the Committee.

11. Irrespective of the nature and extent of inducement offered it is improbable that during the next few years there will be a sufficient output of medical men from the British medical schools to fill the vacancies for British officers in the medical service of the Indian Army, and in Indian civil medical appointments necessarily retained for British officers.

If a Royal Army Medical Corps (India) be accepted, it would probably be possible to tide over the period that will elapse before sufficient British candidates, possessing the desired qualities and qualifications for permanent commissions, are available by increasing the number of temporary Royal Army Medical Corps officers now posted to India for duty to an extent that would admit of Royal Army Medical Corps officers, temporary or permanent, being allotted for duty with Indian troops whenever and wherever necessary. Owing to the present serious shortage of British Indian Medical Service officers some 60 Royal Army Medical Corps were

employed with Indian troops and in Indian hospitals during the recent Afghan war. The number has now been reduced, but there is still a number of Royal Army Medical Corps officers so employed.

12. It has been suggested in various documents that an organisation embracing both the military and the civil medical services, as one department, is possible. Those who hold that view obviously had no knowledge or experience whatever of the extent and scope of work to be done, and it is necessary to point out that it would be absolutely impossible for one official head to control the work of the Director, Medical Services of the Army, and that of the office directing the civil medical administration.

13. It has been found impossible to ensure efficient medical control amongst Indian troops, and their efficient treatment in hospital with the large number of Indians employed as temporary officers of the Indian Medical Service unless these officers are supervised and guided by British medical officers. The Indians holding temporary commissions are as a class reported to be very deficient in professional knowledge, personality, and the general qualities which are necessary in a military medical officer. Some of them, a small proportion, are intelligent, keen and capable, and would, under competent and sympathetic direction, develop into useful officers in time, but, as a whole, they cannot be considered in any sense as equal in efficiency to British medical officers. It is therefore imperative that a sufficient number of British medical officers should always be available to ensure that the medical service for Indian troops is kept up to an efficient standard. For the present this can only be done by extending the employment of temporary Royal Army Medical Corps officers for service with the Army in India.

14. If it be decided to endeavour to attract candidates to the present Indian Medical Service by improved conditions and increased pay, it would be most detrimental to the interests of the service in the present state of the market to throw open at one time the large number of existing vacancies. Such a course would inevitably result in obtaining a large proportion of men who, if they were not wholly unsuitable, would be far below the best. This mistake was made on several occasions in the past by the War Office when a large number of commissions in the medical service of the Army were offered under similar circumstances. The medical service of the Army suffered in consequence.

In any case it is time that two departments of the State—the War Office and the India Office—should cease competing with each other for the young medical men necessary to complete the requirements of the British and Indian Armies. Such competitions were at all times a mistake, and they are more so now than ever before. There should be one point of entrance—one examination or one system of nomination arranged by the various Government departments—and the selected candidates should be allotted by suitability and general qualifications to meet the requirements of the various medical services of the State. In the case of the British and Indian Armies all the present circumstances and requirements point to a common entrance through the Royal Army Medical Corps.

15. Whether the officers of the medical service of the Army in India be obtained through the medium of the Royal Army Medical Corps or otherwise, it is of vital importance for the welfare of the Army, and its success in war that a comprehensive and thorough system of instruction in every branch of scientific medical work and of military training, so far as it affects the medical service, should be provided for officers on joining, and subsequently during their service.

The necessity for an Indian Medical Staff College in India has already been referred to. In addition to the instruction in professional subjects that such a college would afford for medical officers of the Army, advantage should be taken of the civil teaching hospitals and schools and of the

research institutions in India. An independent State Medical Service need not prevent the Army arranging to utilise these facilities for instructing medical officers in any special department of medical science. The Director, Medical Services, should keep in close touch with the Directorate controlling medical education in India, and be empowered to send selected officers for courses in special subjects at selected civil medical institutions. Military training of medical officers in India should also be developed and organised on a sound basis. On mobilisation in 1914, the officers of the Indian Medical Service suffered from two great disadvantages. Those with special professional experience were not allotted to positions on mobilisation where their special knowledge could have been utilised with most benefit, and, as a whole, whether in military or civil employment, they had not been put through any comprehensive course of military training in the years before the war.

16. The proposals of the Committee regarding the Medical Stores Department and the Nursing Service will be considered as separate subjects.

C. H. BURTCHAELL,
Director, Medical Services in India.

15*th October*, 1919.

APPENDIX III, No. 1.

INDIAN CIVIL SERVICE.

(The pay is in rupees per mensem.)

Year of Service.	Basic Pay. (Present and Proposed.)		Overseas Pay.		Total Pay.				Additional advantage resulting from remittance at 2s. when exchange is at 1s. 4d.
					Present.		Proposed.		
	Junior.	Senior.	Present.	Proposed.	Junior.	Senior.	Junior.	Senior.	
1	2	3	4	5	6	7	8	9	10
1	450	—	150	150	600	—	600	—	—
2	500	—	150	150	650	—	650	—	—
3	550	—	150	150	700	—	700	—	—
4	600	—	150	150	750	—	750	—	—
5	650	1,000	150	150	800	1,150	800	1,150	75
6	700	1,050	150	150	850	1,200	850	1,200	75
7	750	1,100	200	250	950	1,300	1,000	1,350	125
8	800	1,150	200	250	1,000	1,350	1,050	1,400	125
9	900	1,200	200	250	1,100	1,400	1,150	1,450	125
10	1,000	1,275	250	250	1,250	1,525	1,250	1,525	125
11	1,100	1,350	250	250	1,350	1,600	1,350	1,600	125
12	1,200	1,425	250	300	1,450	1,675	1,500	1,725	150
13	1,300	1,500	250	300	1,550	1,750	1,600	1,800	150
14	1,300	1,600	250	300	1,550	1,850	1,600	1,900	150
15	1,350	1,700	250	300	1,600	1,950	1,650	2,000	150
16	1,350	1,800	250	300	1,600	2,050	1,650	2,100	150
17	—	1,900	250	300	—	2,150	—	2,200	150
18	—	2,000	250	300	—	2,250	—	2,300	150
19	—	2,050	250	300	—	2,300	—	2,350	150
20	—	2,100 (2,150)*	250	300	—	2,350 (2,400)*	—	2,400 (2,450)*	150
21	—	2,150 (2,200)*	250	300	—	2,400 (2,450)*	—	2,450 (2,500)*	150
22	—	2,200 (2,350)*	250	300	—	2,450 (2,600)*	—	2,500 (2,650)*	150
23	—	2,250 (2,400)*	250	300	—	2,500 (2,650)*	—	2,550 (2,700)*	150
24 & over ..	—	2,250 (2,500)*	250	300	—	2,500 (2,750)*	—	2,550 (2,800)*	150

Column 10 shows the advantage expressed in rupees resulting from the concession of remitting overseas pay at the privileged rate of 2s. the rupee. This advantage is not fixed, but varies with the course of exchange. The actual value of it expressed in rupees will be more when the exchange value of the rupee is lower and less when it is higher.

* In Madras only.

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APPENDIX III, No. 2.

INDIAN POLICE SERVICE.

(The pay is in rupees per mensem.)

Year of Service.	Basic Pay.				Overseas Pay.		Total Pay.				Additional advantage resulting from remittance at 2s. when exchange is at 1s. 4d.
	Present.		Proposed.		Present.	Proposed.	Present.		Proposed.		
	Junior.	Senior.	Junior.	Senior.			Junior.	Senior.	Junior.	Senior.	
1	2	3	4	5	6	7	8	9	10	11	12
1	325	—	350	—	125	100	450	—	450	—	—
2	350	—	375	—	125	100	475	—	475	—	—
3	375	—	400	—	125	100	500	—	500	—	—
4	400	—	425	—	150	125	550	—	550	—	—
5	425	—	450	—	150	150	575	—	600	—	75
6	450	600	475	650	150	150	600	750	625	800	75
7	475	625	500	675	150	150	625	775	650	825	75
8	500	650	525	700	150	150	650	800	675	850	75
9	525	675	550	725	200	250	725	875	800	975	125
10	550	700	575	750	200	250	750	900	825	1,000	125
11	575	725	600	800	200	250	775	925	850	1,050	125
12	600	750	625	825	250	250	850	1,000	875	1,075	125
13	625	775	650	850	250	250	875	1,025	900	1,100	125
14	650	800	675	900	250	250	900	1,050	925	1,150	125
15	675	825	700	925	250	300	925	1,075	1,000	1,225	150
16	—	850	—	950	250	300	—	1,100	—	1,250	150
17	—	900	—	1,000	250	300	—	1,150	—	1,300	150
18	—	950	—	1,025	250	300	—	1,200	—	1,325	150
19	—	1,000	—	1,050	250	300	—	1,250	—	1,350	150
20	—	1,050	—	1,075	250	300	—	1,300	—	1,375	150
21	—	1,100	—	1,100	250	300	—	1,350	—	1,400	150
22	—	1,150	—	1,150	250	300	—	1,400	—	1,450	150
23	—	1,200	—	1,200	250	300	—	1,450	—	1,500	150
24	—	1,250	—	1,250	250	300	—	1,500	—	1,550	150
25	—	1,300	—	1,300	250	300	—	1,550	—	1,600	150
26	—	1,350	—	1,350	250	300	—	1,600	—	1,650	150
Selection Grade	—	1,450	—	1,450	250	300	—	1,700	—	1,750	150

Column 12 shows the advantage expressed in rupees resulting from the concession of remitting overseas pay at the privileged rate of 2s. the rupee. This advantage is not fixed, but varies with the course of exchange. The actual value of it expressed in rupees will be more when the exchange value of the rupee is lower and less when it is higher.

APPENDIX III, No. 3.

INDIAN FOREST SERVICE (INCLUDING INDIAN FOREST ENGINEERING SERVICE).

(The pay is in repees per mensem.)

Year of Service.	Basic Pay.	Overseas Pay.		Total Pay.		Additional advantage resulting from remittance at 2*s.* when exchange is at 1*s.* 4*d.*
	Present and Proposed	Present	Proposed	Present	Proposed	
1	2	3	4	5	6	7
1	325	150	150	475	475	—
2	375	150	150	525	525	—
3	425	150	150	575	575	—
4	475	150	150	625	625	—
5	525	150	150	675	675	75
6	575	150	150	725	725	75
7	625	200	250	825	875	125
8	675	200	250	875	925	125
9	725	200	250	920	975	125
10	800	250	250	1,050	1,050	125
11	850	250	250	1,100	1,100	125
12	900	250	300	1,150	1,200	150
13	900	250	300	1,150	1,200	150
14	950	250	300	1,200	1,250	150
15	1,000	250	300	1,250	1,300	150
16	1,050	250	300	1,300	1,350	150
17	1,100	250	300	1,350	1,400	150
18	1,150	250	300	1,400	1,450	150
19	1,200	250	300	1,450	1,500	150
20	1,250	250	300	1,500	1,550	150
21	1,300	250	300	1,550	1,600	150
22 & over ..	1,350	250	300	1,600	1,650	150

Column 7 shows the advantage expressed in rupees resulting from the concession of remitting overseas pay at the privileged rate of 2*s.* the rupee. This advantage is not fixed, but varies with the course of exchange. The actual value of it expressed in rupees will be more when the exchange value of the rupee is lower and less when it is higher.

APPENDIX III, No. 4.

INDIAN SERVICE OF ENGINEERS.

(The pay is in rupees per mensem.)

Year of Service.	Basic Pay.					Overseas Pay.		Total Pay.				Additional advantage resulting from remittance at 2s. when exchange is at 1s. 4d.
	Present.		Technical Pay.	Proposed.		Present.	Proposed.	Present.		Proposed.		
	Junior.	Senior.		Junior.	Senior.			Junior.	Senior.	Junior.	Senior.	
1	2	3	4	5	6	7	8	9	10	11	12	13
1	300	—	75	375	—	150	150	525	—	525	—	—
2	350	—	75	425	—	150	150	575	—	575	—	—
3	400	—	75	475	—	150	150	625	—	625	—	—
4	450	550	75	525	625	150	150	675	775	675	775	—
5	450	550	75	525	625	150	150	675	775	675	775	75
6	500	600	75	575	675	150	150	725	825	725	825	75
7	550	650	75	625	725	150	150	775	875	775	875	75
8	550	650	75	625	725	200	250	825	925	875	975	125
9	600	700	75	675	775	200	250	875	975	925	1,025	125
10	650	750	75	725	825	200	250	925	1,025	975	1,075	125
11	700	800	75	775	875	250	250	1,025	1,125	1,025	1,125	125
12	750	850	75	825	925	250	300	1,075	1,175	1,125	1,225	150
13	800	900	75	875	975	250	300	1,125	1,225	1,175	1,275	150
14	850	950	75	925	1,025	250	300	1,175	1,275	1,225	1,325	150
15	900	950	75	975	1,025	250	300	1,225	1,275	1,275	1,325	150
16	—	1,000	75	—	1,075	250	300	—	1,325	—	1,375	150
17	—	1,050	75	—	1,125	250	300	—	1,375	—	1,425	150
18	—	1,100	75	—	1,175	250	300	—	1,425	—	1,475	150
19	—	1,150	75	—	1,225	250	300	—	1,475	—	1,525	150
20	—	1,200	75	—	1,275	250	300	—	1,525	—	1,575	150
21	—	1,200	75	—	1,275	250	300	—	1,525	—	1,575	150
22	—	1,250	75	—	1,325	250	300	—	1,575	—	1,625	150
23	—	1,250	75	—	1,325	250	300	—	1,575	—	1,625	150
24 & over	—	1,300	75	—	1,375	250	300	—	1,625	—	1,675	150

Column 13 shows the advantage expressed in rupees resulting from the concession of remitting overseas pay at the privileged rate of 2s. the rupee. This advantage is not fixed, but varies with the course of exchange. The actual value of it expressed in rupees will be more when the exchange value of the rupee is lower and less when it is higher.

APPENDIX III, No. 5.

INDIAN EDUCATIONAL SERVICE (MEN).

(The pay is in rupees per mensem.)

Year of Service.	Basic Pay.	Overseas Pay.		Total Pay.		Additional advantage resulting from remittance at 2*s.* when exchange is at 1*s.* 4*d.*
	Present and Proposed	Present	Proposed	Present	Proposed	
1	2	3	4	5	6	7
1	400	150	150	550	550	—
2	450	150	150	600	600	—
3	500	150	150	650	650	—
4	550	150	150	700	700	—
5	600	150	150	750	750	75
6	600	200	250	800	850	125
7	650	200	250	850	900	125
8	700	200	250	900	950	125
9	750	250	250	1,000	1,000	125
10	800	250	250	1,050	1,050	125
11	850	250	250	1,100	1,100	125
12	900	250	300	1,150	1,200	150
13	950	250	300	1,200	1,250	150
14	1,000	250	300	1,250	1,300	150
15	1,000	250	300	1,250	1,300	150
16	1,050	250	300	1,300	1,350	150
17	1,100	250	300	1,350	1,400	150
18	1,150	250	300	1,400	1,450	150
19	1,200	250	300	1,450	1,500	150
20 & over ..	1,250	250	300	1,500	1,550	150
Lower Selection Grade (15 per cent. of cadre).	1,250	250	300	1,500	1,550	150
	1,300	250	300	1,550	1,600	150
	1,350	250	300	1,600	1,650	150
	1,400	250	300	1,650	1,700	150
	1,450	250	300	1,700	1,750	150
	1,500	250	300	1,750	1,800	150
Higher Selection Grade (5 per cent. of cadre).	1,550	250	300	1,800	1,850	150
	1,650	250	300	1,900	1,950	150
	1,750	250	300	2,000	2,050	150

Column 7 shows the advantage expressed in rupees resulting from the concession of remitting overseas pay at the privileged rate of 2*s.* the rupee. This advantage is not fixed, but varies with the course of exchange. The actual value of it expressed in rupees will be more when the exchange value of the rupee is lower and less when it is higher.

APPENDIX III, No. 6.

INDIAN AGRICULTURAL SERVICES AND INDIAN VETERINARY SERVICE.

(The pay is in rupees per mensem.)

Year of Service.	Basic Pay.	Overseas Pay.		Total Pay.		Additional advantage resulting from remittance at 2*s.* when exchange is at 1*s.* 4*d.*
	Present and Proposed	Present	Proposed	Present	Proposed	
1	2	3	4	5	6	7
1	350	150	150	500	500	—
2	400	150	150	550	550	—
3	450	150	150	600	600	—
4	500	150	150	650	650	—
5	550	150	150	700	700	75
6	550	200	250	750	800	125
7	600	200	250	800	850	125
8	650	200	250	850	900	125
9	700	250	250	950	950	125
10	750	250	250	1,000	1,000	125
11	800	250	250	1,050	1,050	125
12	800	250	300	1,050	1,100	150
13	850	250	300	1,100	1,150	150
14	900	250	300	1,150	1,200	150
15	950	250	300	1,200	1,250	150
16	1,000	250	300	1,250	1,300	150
17	1,050	250	300	1,300	1,350	150
18	1,100	250	300	1,350	1,400	150
19	1,150	250	300	1,400	1,450	150
20	1,200	250	300	1,450	1,500	150
21 & over ..	1,250	250	300	1,500	1,550	150
Selection Grades (15 per cent. of cadre).	1,250	250	300	1,500	1,550	150
	1,300	250	300	1,550	1,600	150
	1,350	250	300	1,600	1,650	150
	1,400	250	300	1,650	1,700	150
	1,450	250	300	1,700	1,750	150
	1,500	250	300	1,750	1,800	150

Column 7 shows the advantage expressed in rupees resulting from the concession of remitting overseas pay at the privileged rate of 2*s.* the rupee. This advantage is not fixed, but varies with the course of exchange. The actual value of it expressed in rupees will be more when the exchange value of the rupee is lower and less when it is higher.

APPENDIX III, No. 7.

INDIAN MEDICAL SERVICE (CIVIL).

(The pay is in rupees per mensem.)

Year of Service.	Basic Pay.	Overseas Pay.		Total Pay.		Additional advantage resulting from remittance at 2*s.* when exchange is at 1*s.* 4*d.*
	Present and Proposed	Present	Proposed	Present	Proposed	
1	2	3	4	5	6	7
As Lieutenant.						
1	500	150	150	650	650	—
2	500	150	150	650	650	—
3	500	150	150	650	650	—
As Captain.						
4	650	150	150	800	800	—
5	650	150	150	800	800	75
6	650	150	150	800	800	75
7	750	200	250	950	1,000	125
8	750	200	250	950	1,000	125
8	750	200	250	950	1,000	125
10	850	200	250	1,050	1,100	125
11	850	200	250	1,050	1,100	125
12	850	200	300	1,050	1,150	150
As Major.						
13	950	250	300	1,200	1,250	150
14	950	250	300	1,200	1,250	150
15	950	250	300	1,200	1,250	150
16	1,100	250	300	1,350	1,400	150
17	1,100	250	300	1,350	1,400	150
18	1,100	250	300	1,350	1,400	150
19	1,250	250	300	1,500	1,550	150
20	1,250	250	300	1,500	1,550	150
As Lieutenant-Colonel.						
21	1,500	250	300	1,750	1,800	150
22	1,500	250	300	1,750	1,800	150
23	1,500	250	300	1,750	1,800	150
24	1,600	250	300	1,850	1,900	150
25	1,600	250	300	1,850	1,900	150
26 & over ..	1,700	250	300	1,950	2,000	150
When selected for increased pay.. ..	1,850	250	300	2,100	2,150	150

Column 7 shows the advantage expressed in rupees resulting from the concession of remitting overseas pay at the privileged rate of 2*s.* the rupee. This advantage is not fixed, but varies with the course of exchange. The actual value of it expressed in rupees will be more when the exchange value of the rupee is lower and less when it is higher.

APPENDIX IV (1).

NOTE BY ENGLISH COMMISSIONERS.

Officers above the Time Scales.

Up to the present, officers receiving salaries above the time scale have not received overseas pay.

The refusal of overseas pay to men above the time scale was based on the theory that all officers of this rank, Indian and European alike, should be paid exactly alike, on the general ground that the tenure of these higher posts commonly entails new obligations and expenses which are independent of domicile. That may be true, but ignores the equally patent fact that the extra expenses due to education of children at home, etc., still continue for the European, and the despatches on the general question of overseas pay laid stress on the argument that the essential object of this pay was " to achieve some measure of equality of remuneration and not the reverse." see Despatch No. 169 Public, dated 27th November, 1919, and " the ideal of ' equal pay for equal work ' . . . will not be attained by fixing identical rates of salary for all members of the Service, since it is obvious that if Indians and Europeans in identical posts are paid the same amounts the European must in fact be worse off than his Indian contemporary," para. 4, Despatch No. 187 Public, 25th December, 1919.

It must be remembered that when the Indian Civil Service pay was revised, opportunity was taken to abolish exchange compensation allowance. The maximum addition allowable under this head for salaries of Rs.2,222 and over was Rs.138.14.3. The revised scale of pay was introduced when the rupee was above *2s.*

Lord MacDonnell's Committee, in recommending substantially increased rates of overseas pay from the fourteenth year of service onwards, added a recommendation that some increment should be given, as overseas pay or otherwise, to officers of non-Indian domicile holding appointments above the time scale in the Indian Civil Service and other services, each case being dealt with on its merits.

The proposals of that Committee gave overseas pay up to Rs.500 a month at the top of the time scale, and it might be assumed that the Committee intended that officers above the time scale should draw overseas pay at this maximum rate.

Our proposals in the Report as to the increase of the overseas pay in the time scales do not give a maximum of Rs.500 a month, but of Rs.300 a month, with a sterling equivalent reckoned at £30, which may be called for the purposes of comparison Rs.450 a month.

In the case of the Indian Civil Service, the pay of the commissioner is fixed at Rs.3,000 a month, and as long as this was Rs.500 a month above the pay of the senior collector on the time scale no change was necessary.

Now, however, that we propose to raise the pay of the collector to Rs.2,700 a month, the difference is so small that collectors might well refuse promotion to commissionerships on the ground that the additional expenses necessary for entertaining, charities, etc., in the higher posts would be greater than the increase in pay.

An alternative method to the grant of overseas pay to commissioners and others above the time scale would be to allow a sterling remittance of say Rs.400 a month of his ordinary salary at *2s.* to the rupee, which would give the officer a benefit equal to Rs.200 a month.

The commissioners under this arrangement would receive Rs.500 above the pay of collectors.

The Directors of Public Instruction in the Indian Educational Service get very different salaries according to the size of the provinces, but the best paid director draws the same salary as a commissioner and should receive the same increase. Similarly chief engineers and inspectors-general of police draw up to Rs.3,000. The agricultural adviser and the chief conservators of forests draw up to Rs.2,750. There are certain

officers in the Central Services and elsewhere who draw up to Rs.3,500—e.g., judicial commissioners and members of boards of revenue—and there are some secretaries in the Government of India drawing up to Rs.4,000 a month.

We think all officers whose salaries do not exceed Rs.4,000 a month should be given the increase suggested above by means of permission to remit Rs.400 a month of their pay at a rate of *2s.* We cannot, however, recommend any increase for Judges of the High Court or Members of Council whose salaries are fixed by Statute.

(*Signed*) R. H. CRADDOCK,
CYRIL JACKSON,
D. PETRIE,
R. COUPLAND.

27th March, 1924.

I strongly support the above proposal and regard it as essential, no less in the interests of recruiting than in justice to the holders of these appointments, that this very moderate addition should be made to their emoluments.

Otherwise there will be very little inducement to officers on the ordinary time scale to seek promotion, and it will be very difficult to persuade the best men to accept appointments which may entail heavier responsibility and greatly increased expenditure on entertaining and other unavoidable charges.

A service without " Prize Posts " must offer few attractions to ambitious men, and it cannot be in the interests of India, for the sake of a trifling economy, to offer no encouragement to present and possible holders of these few high administrative posts.

(*Signed*) LEE OF FAREHAM.

27th March, 1924.

APPENDIX IV (2).

NOTE BY INDIAN COMMISSIONERS.

Officers above the Time Scales.

1. In the case of officers above the time-scale, there has, so far, been no distinction in emoluments between the Indian and the European members of the Superior Civil Services. The principle of equality of emoluments in such posts as those of Judges of the High Court and Members of the Executive Council is of long standing and the Islington Commission, after full consideration of the question, recommended that the same principle should apply to all appointments above the time-scale. This recommendation was accepted by His Majesty's Government and is now in force.

2. According to the proposals contained in our Report, all officers above the time-scale will receive the benefit of passage and other concessions which we have recommended for European members of the Services. But our European colleagues wish that over and above these concessions, the officers holding the higher administrative posts should be allowed to remit Rs.400 per month out of their pay at the rate of 2*s.* to the rupee.

3. Before discussing the merits of this proposal, we wish to note that a unanimous recommendation has been made in paragraph 55 of our Report raising the pay of the lower class of administrative officers, viz., the deputy inspector-general, the superintending engineer, and the conservator of forests from Rs.1,750–100–2,150 to a fixed pay equal to the existing maximum, i.e. Rs.2,150. This was considered advisable owing to the fact that the improvements made by concessions resulted in the maximum of the total emoluments of the officers on the time-scale overlapping the present minimum of the sliding scale sanctioned in the case of officers holding the lower administrative posts. We are, therefore, now concerned

only with the higher administrative officers, such as commissioners, inspectors-general of police, chief engineers and chief conservators of forests, and, according to our European colleagues, even those drawing as high salaries as Rs.4,000 a month.

4. In dealing with the need for increasing the emoluments of the Services, the question before us is not one of bettering the pay of Services generally in all grades and classes, but of meeting the most pressing needs of the European members thereof.

5. The general trend of evidence given before us is that hardship is felt mainly in the middle married grades, and that the officers in the earliest and latest stages are not hard hit. It is on this ground that the Commission has unanimously decided to make no improvement in the earlier years, and we are emphatically of opinion that no relief is actually needed in the case of officers holding the higher administrative appointments.

6. We think it would be politically unwise and administratively mischievous to give effect to the doctrine, now sought to be introduced, that if Indians and Europeans in high administrative posts are paid the same amounts, the European must in fact be worse off than his Indian contemporary, and that consequently the income of the European must be supplemented in one form or another. The proposal of our European colleagues to thus differentiate between the European and Indian incumbents of high administrative appointments would cause deep resentment among the latter, who, when holding such high appointments, have to incur heavy expenses befitting the rank and position apart from meeting their social and other obligations which increase proportionately and add considerably to their pecuniary liabilities, with the result that their total expenses are in no way less than those of their European contemporaries. We wish to sound a note of warning that any attempt to yield to the suggestion made by our European colleagues will inevitably lead to an agitation on the part of Indian officers holding these positions which it will be neither reasonable nor prudent to resist.

(*Signed*) BHUPENDRANATH BASU,
M. HABIBULLAH,
HARI KISHAN KAUL,
N. M. SAMARTH.

27th March, 1924.

APPENDIX V.

ARTICLES OF AGREEMENT FOR SERVICE IN THE INDIAN EDUCATIONAL SERVICE.

OFFICERS OF NON-INDIAN DOMICILE APPOINTED WHILE IN ENGLAND.

ARTICLES OF AGREEMENT, made the day of one thousand nine hundred and twenty

BETWEEN

of the first part, and THE SECRETARY OF STATE FOR INDIA IN COUNCIL of the second part.

WHEREAS the Secretary of State for India in Council has engaged the party of the first part to serve His Majesty in India as
in the Indian Educational Service for the probationary terms and at the pay hereinafter mentioned and subject to the conditions and agreements hereinafter contained.

NOW THESE PRESENTS WITNESS and the said parties hereto respectively agree as follows :—

1. That he will, on being provided with a first-class passage to India, proceed thither within such time as may be prescribed by the Secretary of State for India in Council.

2. That he will, on arrival in India, forthwith proceed to
and report himself to the Officers of Government there, and will submit himself to the orders of the Government and of the Officers and authorities

under whom he may from time to time be placed by the Government and will remain in the service for the probationary term of two years commencing from the date of his reporting his arrival at the said
and that he will at all times obey the rules prescribed for the time being in the memorandum of information furnished to Candidates or otherwise for the regulation of the branch of the public service to which he may belong, and will, when required by the Government, proceed to any other part of the Presidency or province within which he may be serving or to any other Presidency or province in India, and there perform the duties of any specified office in the cadre of the Indian Educational Service.

3. That he will devote his whole time to the duties of the service, and will not engage, directly or indirectly, in any trade, business or occupation on his own account, and that he will not (except in case of accident or sickness certified by competent medical authority) absent himself from his said duties without having first obtained permission from the Government or its authorised Officers.

4. That if he shall during the said term of two years, or if the service shall continue beyond such term, during the next succeeding three years, relinquish the service of the Government (whether after having given notice or otherwise) he shall forthwith on demand pay to the Secretary of State for India in Council the cost of his passage to India.

5. That the Secretary of State for India in Council may at any time during the said term of two years, or, if the service shall continue beyond such term, at any time thereafter, dispense with his services without notice in the event of misconduct on his part or of a breach by him of any of the conditions herein specified.

6. That it shall be lawful for the Secretary of State for India in Council prior to the expiration of his service under these presents, if satisfied on the report of the duly constituted advisory Medical Board that he is unfit and is likely for a considerable period to continue unfit by reason of ill-health for the discharge of his duties in India, to determine the service under these presents (the decision of the Secretary of State for India in Council being conclusive), and thereupon his services shall be terminated.

7. That he shall, within the period or periods prescribed by the rules and regulations relating to examinations in vernacular languages for the time being in force in the Presidency or province within which he may be serving, and generally in accordance with, and subject to, such rules and regulations, pass an examination or examinations in such vernacular language or languages as may be required by the Government, and on failure to pass such examination or examinations shall be liable to the penalties prescribed by the said rules and regulations. Provided that if he shall fail to pass an examination in such one of the prescribed vernacular languages as may be required within the said period or periods the Secretary of State for India in Council may, notwithstanding anything in the next clause or the said rules and regulations contained, dispense with his services.

8. That, except as provided in Clauses 5, 6 and 7 hereof, unless he shall receive notice in writing from some authorised Officer of the Government three calendar months before the expiration of the said term of two years that the Secretary of State for India in Council no longer requires his services, or unless he shall give notice in writing to the Government three calendar months before the expiration of the said term of two years, that he is desirous to put an end to his service under these presents, he will continue in the service of Government upon the like terms and conditions as are herein contained so far as the same are applicable, except that he shall not be entitled to receive notice of termination of his service under Government otherwise than as may be provided by the rules for the time being in force applicable to his case.

9. That from the date of his arrival at the said the Government will pay him so long as he shall remain in the said service and actually perform the said duties, pay in accordance with the scale set forth in the

memorandum of information above referred to provided that for the purposes of the scale he shall receive initial pay at the rate of Rs. per mensem and overseas pay at the rate of Rs. per mensem and subsequent increment shall have effect annually where admissible on and from the one thousand nine hundred and twenty.

10. That he shall not, except as provided in this agreement, resign his appointment without the sanction of the Secretary of State for India in Council.

11. That on the determination of the service at the expiration of the said term of two years (but not upon any subsequent determination), and if he shall actually quit the said service in India, or if prior to the expiration of the said term of two years, the service shall be determined by the Secretary of State for India in Council under the provisions of Clause 6 of these presents, and if he shall actually quit the said service in India, the Government will provide him with a first-class passage back to England at the public expense, provided he claims such passage within three months from any such determination of the service as is mentioned in this clause, and leaves India on his return to England within such time as he may be directed.

12. That he will, during his continuance in the service, pay such subscriptions to the General Provident Fund as shall be payable under the rules for the time being in force (by which rules he agrees to be bound); and it shall be lawful for the Government to deduct the said subscriptions from any money that may be payable to him under these presents or otherwise.

13. That if he shall continue to serve Government under these presents after the said term of two years, his service (commencing from the date of his entering on the performance of his duties as aforesaid) shall count as service towards leave and pension under such rules as regards leave and pension as may for the time being be applicable to his case. PROVIDED ALWAYS that in case of any dispute as to the interpretation of any of the said rules, or otherwise relating in any way to them, the decision of the Secretary of State for India in Council shall be conclusive. He shall be entitled to add years to his service counting for superannuation pension.

14. That in any payments made in the United Kingdom under these presents, the rate of exchange then applicable to the class of transaction concerned, as decided by the Secretary of State for India in Council from time to time, shall be observed.

15. That the proceedings, letters, and reports of the Governor-General of India in Council, or of any of the Local Governments, and of all others the officers and agents of Government, or any copies thereof or extracts therefrom, which shall be sent officially to the Secretary of State for India in Council, or to any officers or servants in the Indian Service of His Majesty in England or elsewhere, in any way relating to the sums of money to be paid or allowed to the party of the first part, or to his conduct, or in any way relating to the premises, shall be received as evidence of any matter therein contained in any action or in any legal proceedings by or between the parties to these presents, or in any way relating thereto.

IN WITNESS whereof the party of the first part and

being two members of the Council of India have hereunto set their hands the day and year first above written.

Signed by the party of the first part in the presence of—

Signed by the above-named two Members of the Council of India in the presence of—

APPENDIX VI.

EXTRACT FROM MACDONNELL COMMITTEE'S REPORT—ANNEXURE III.

Minute by Professor R. Coupland and Mr. C. A. Elliott.

1. The most effective means of informing and influencing University opinion seems to us to be the establishment of some form of *liaison* between the India Office and influential Dons.

2. At Oxford a Committee of such Dons has already been set up, with the Master of Balliol in the chair, to consider the question of the Indian Civil Service as a career for Oxford men. The India Office might co-operate with this Committee on the following lines :—

(1) Authoritative information might be supplied to the Committee as to the development of events in India, especially where questions directly affecting the conditions and prospects of the Indian Civil Service are concerned.

(2) Information might be supplied to enable a leading member of the Committee to write to the Press correcting any misleading letters that may be published therein by members of the University.

(3) Arrangements might be made for distinguished members of the Indian Civil Service, home on leave, to meet the Committee and discuss the question of recruitment; and the Committee might arrange for such men to address private or public meetings of undergraduates.

3. At Cambridge such a committee as is proposed for Oxford would hardly be necessary as it would be possible there to make use of the existing machinery of the Appointments Board. The Appointments Board is a strong and active body containing representatives of all Colleges. Most undergraduates place their names on its books during their careers at Cambridge, and the majority of those who wish for posts after graduation obtain them through the Board. It is suggested, therefore, that the India Office should periodically supply to the Appointments Board, or to a Committee of the Board which might be appointed to deal with the recruitment of the Indian Services, information on the lines suggested in paragraph 2, sections 1 and 2 above, and also if such a committee were created arrangements might be made with it on the lines suggested in paragraph 2, section 3 above.

R. COUPLAND,
C. A. ELLIOTT.

APPENDIX VII.

ESTIMATE OF THE COST OF THE RECOMMENDATIONS IN THE REPORT.

Note.—All the following calculations are based on exchange at 16*d.* the rupee. With a higher exchange, the cost will diminish.

	Immediate Increased Cost (First Year of Introduction).		
Pay and remittance concessions	I.C.S.	18·6 lakhs	The total cost may increase *slightly* in the next few years, as it is based on present strength and owing to almost complete cessation of recruitment of Europeans during the years of the war, there is now a shortage of officers in the sixth to ninth years of service, as well as an excess in the first four years of service. The latter get no immediate benefit from our proposals, but will begin to do so shortly. The excess will, however, be soon counterbalanced by savings following from retirement of European officers and their replacement by Indians.
	I.P.S.	12·7 ,,	
	I.M.S. (Civil) ..	7·0 ,,	
	I.E.S. (Men) ..	3·3 ,,	
	I.F.S.	3·4 ,,	
	I.S.E.	10·9 ,,	
	I.A.S.	·8 ,,	
	I.V.S.	·4 ,,	
		57·1 lakhs	
	Other Services (approximately)	13·0 to 15·0 lakhs	
	Total (approximately)	70·1 to 72·1 ,,	
Pensions	Uncovenanted Service	1·2 lakhs	This amount will increase by 1·2 lakhs every year till it reaches its maximum, which may provisionally be put at about 19 lakhs.
	I.C.S. officers holding high posts.	·18 ,,	This amount will similarly increase by ·18 lakhs every year till it reaches its maximum of about 2¾ lakhs.
Passages		25·0 ,,	The actual cost may be higher in the immediate future owing to the fact that a larger number of officers than the normal may avail themselves of the concession, but any increase in cost immediately will be counterbalanced by a consequential reduction in later years. The cost will, moreover, go on decreasing proportionately with the decrease in the number of European officers.

	Total (First Year) 96·5 to 98·5 lakhs	The total annual cost of all concessions recommended will gradually rise until it reaches about 1¼ crores. It will subsequently fall, as Indianisation makes itself felt.
Other (minor) concessions	It has not been possible to evaluate these with any approach to precision.	

Note.—(1) It is not possible to estimate the ***ultimate*** cost resulting from the recommendations as regards pay and remittance concessions, as it depends on two variable factors : (i) the number of Europeans that will be employed in Service in those departments where the recruitment is proposed to be left to the Local Governments, and (ii) the rates of pay that may be fixed by Local Governments for them. The extra cost of our recommendations is, however, bound to be partly counterbalanced by savings in overseas pay, resulting from the replacement of Europeans by Indians. It has been roughly estimated that the ultimate cost of the Indian Civil Service and the Indian Police Service (when the cadres consist half of Europeans and half of Indians) will compare with the present cost (including cost of concessions recommended) as follows :—

	Present. (Including cost of concessions recommended.)	*Ultimate.*
Indian Civil Service	328 lakhs	287 lakhs
Indian Police Service	100 ,,	94 ,,

(2) The cost of the increase in pensions of Uncovenanted Services will similarly fall as the decreasing number of Europeans in the Service comes to be reflected in the number of retirements, seeing that pensions drawn in England are paid at a favourable rate of 1*s.* 9*d.* the rupee.

The estimated cost of the total expenditure on the Roval Commission including the cost of printing is Rs. 4,70,000.

MINUTES RELATING TO THE REPORT BY COMMISSIONERS SIGNING THE REPORT.

MINUTE BY PROFESSOR COUPLAND ON THE CONTROL OF THE SERVICES.

1. In the following minute I propose to explain, in greater detail than was possible in the body of the Report, the constitutional principles which, over and above various practical considerations, determined my adherence to the recommendations made in paragraphs 12 to 19 of the Report with regard to the control of the Services.

2. The preamble to the terms of reference of the Royal Commission referred to " the experience now gained of the operation of the system of government established by the Government of India Act in respect to the Superior Civil Services in India." It may be assumed, therefore, that, on the constitutional or " organisation " side of its enquiry, the Royal Commission was not expected to consider any drastic change in the basic principles of the Act. Its presumptive task was, rather, to enquire as to whether any modification of the existing position of the Services was desirable without violating those basic principles. Hence it seems worth while to examine as briefly as possible what those principles are ; how they were intended to operate by the Secretary of State and his advisers when they framed the Government of India Bill and by Parliament, when it enacted it ; and in what manner the recommendations of the Report referred to above conforms to them.

3. The constitutional system established by the Act for the government of the Provinces need not here be explained. Dyarchy, or the division of the field of government into two parts, one of which, the " reserved," is administered by the Governor and his Executive Council and the other, the " transferred," by the Governor acting with his Ministers, is familiar enough. But the position of the All-India Services working under that system may not be so well understood. It was not, of course, forgotten by those who framed and passed the Bill. It was examined and discussed by all the principal authorities concerned—by Mr. Montagu and Lord Chelmsford in their Report (22nd April, 1918) ; by the Government of India on various occasions, and particularly in their *Memorandum on the Public Services under Reforms* (1918), and in their *First Dispatch on Indian Constitutional Reforms* (5th March, 1919) ; by the Committee on Division of Functions in their Report (26th February, 1919) ; by the Secretary of State, particularly in the *Memorandum regarding the Bill* which he laid before Parliament (29th May, 1919) ; and by Parliament in the Joint Select Committee's Report (17th November, 1919), and in the debates in both Houses on the Bill. With so much material it is easy to determine what the position of the Services under the new system of government was intended to be.

4. This minute is concerned mainly with the All-India Services, and only with the question of their control. Nothing need be said here, therefore, as to the general treatment of those Services in the Bill and the discussions which preceded it—as to the need for maintaining a strong British element therein, as to the changed character of their functions under the new dispensation, as to their rights and remuneration, and so forth. The question to be dealt with here is the control of the All-India Services, or, more specifically, what authority is to be responsible for their recruitment, for the conditions of their service, and in the last resort for their discipline and conduct.

5. That this question of control should have arisen at all was mainly due to the introduction of the new system of dyarchy. Though some All-India Services, notably the Indian Civil Service, are employed both in

the reserved and in the transferred field, for practical purposes the Services as a whole could roughly be differentiated as Services operating in the one field or the other. The position of those whose work was to lie in the reserved field was only slightly and indirectly affected. But the case of those who were to work in the transferred field was obviously different. One of the two cardinal principles of the new system was that the measure of responsible government in transferred subjects should be as complete and real as possible. In the words of the Joint Select Committee's Report, Ministers were to have " the fullest opportunity of managing that field of government which was entrusted to their care." And it was clearly recognised that it was not logically consistent with this principle to maintain for the execution of Ministers' policy in that field a group of Superior Civil Services (the Indian Educational Service, the Indian Agricultural Service, the Indian Civil Veterinary Service, the Indian Service of Engineers in the Roads and Buildings department in all provinces except Assam, and the Indian Forestry Service in Bombay and, later, in Burma) the recruitment and ultimate control of which were vested not in Ministers and Legislative Councils, but in the Secretary of State and Parliament. But, at the same time, it was also recognised that to change the structure of the public service simultaneously with a change in the structure of the Government might fatally handicap the operation of the new system. " It would be unfair to expect Ministers new to responsibility," said the Montagu-Chelmsford Report, " to assume the burden of office unless they could command the assistance of the present highly trained Services. To require them to inaugurate new Services for their own departments would, we think, be to saddle them with difficulties that would doom the experiment to failure " (paragraph 269). The Government of India, therefore, recommended that " when a Minister is placed in charge of a transferred department he will take it over as a going concern with its staff intact." (*Memorandum*, paragraph 20 : *First Reforms Dispatch*, paragraph 60). The policy of the Government of India on all major Service questions of this kind was accepted by the Committee on Division of Functions (Report, paragraph 69) and by the Secretary of State (*Memorandum to Parliament*, clause xxiv) ; and on this understanding the Bill was passed by Parliament.

6. Thus the retention of Services operating in the transferred field and yet controlled by the Secretary of State, was decided on as a temporary expedient, as an element in a constitutional system which was in essence not static but transitional. How long this particular element in the system should endure was meant to be dependent, like all the rest of the system, on the results of experience. But it must always have been manifest that the change, when it came, would have to be gradual. Services recruited in the past by the Secretary of State on an All-India basis cannot be handed over *en bloc* to the control of Ministers without the consent of every member of them : the only practicable method of reconstituting these Superior Services on a provincial basis is for the Secretary of State to cease to recruit for them, and for Ministers to begin building them up afresh from the bottom as the old All-India personnel automatically diminishes. This is the process the inception of which is recommended in the Report. Since, in the ordinary course, the younger of the existing officers will still be serving 20 years hence or more, the second decennial period will have elapsed before the replacement is complete : and for some years to come the numbers of the new Provincial Service officers will be very small. It is impossible to argue that if Ministers and Legislative Councils can safely be entrusted with the general control of the transferred field of government, they are not now qualified to bear this additional measure of responsibility.

7. It accords, secondly, with the spirit of the Reforms to give due weight in a question of this nature to the wishes of Ministers themselves, especially since it was their interests that primarily determined the

provisional settlement of the question in 1919. Now in the light of the evidence it would be idle to pretend that Ministers and Legislative Councils, or, indeed, the members of the Services themselves are content with the existing arrangement. Both sides feel that they are suffering from an anomalous and unstable position. It is true that the general tenour of the evidence received from members of the Services concerned is that they have no complaint to make of their treatment by Ministers, while the evidence of Ministers is that they have been served well and loyally by the members of the Services. So far, indeed, as personal relations are concerned, there is no reason why a Minister should feel that his authority is in any way different from that of a Member of the Executive Council. He may perhaps in certain cases have a preference for his own agents; but there is no reason to suppose that in general the Ministers have not realised and indeed frankly acknowledged the advantage they have derived from having thoroughly experienced and trained agents at their hand. None the less, the existing system has undoubtedly become irksome to them. The time has come, they say, when they feel that they can safely begin to appoint their own agents on their own terms. They want henceforward to be free from all restrictions in the matter, save such as may be imposed, on their own initiative, by their own Provincial Legislatures. Of those restrictions, the most troublesome perhaps is the rule which makes it impossible for a Minister to create or abolish a permanent post in any of the main Services under his orders, or to increase or reduce the cadre of these Services, without obtaining the previous sanction of the Secretary of State in Council. It might well happen that such a restriction would prevent a Minister from carrying out some scheme of reorganisation which he considered to be of the first importance. A scheme in a transferred department approved by the Legislative Council might be in effect vetoed by the Secretary of State. (It may be noted, in passing, that on the one hand Local Governments have shown a tendency of late to refrain from filling up vacancies in the cadre of the All-India Services in the transferred field, while, on the other hand, it has been virtually impossible in recent years to obtain qualified British recruits for Services whose future seemed so uncertain). Such a position, it is argued, is hardly consistent with the spirit of the constitution. Save only in the matter of the Services, the Secretary of State has divested himself to the furthest practicable limit of his powers of superintendence, direction and control over Provincial administration in the transferred field. Now that Ministers are prepared to build up new Services on their own account, this limitation to their powers of self-government and to the fulness of their responsibility to their Legislative Councils is no longer logically justifiable. Existing members of the Services must, it is admitted, retain their existing rights; but it does not seem to follow, from the principles which led to the retention of the present staff, that Ministers should not now be allowed, in co-operation with their local legislatures, to begin, as vacancies occur, to build up their own staffs in their own way.

8. In meeting these claims and accepting these arguments, the recommendations made in the Report seem to be in harmony, not only with the great body of political opinion in India, but also with the principles and purposes of the authors of the Government of India Act and of Parliament.

9. It is recommended that the new Services which are gradually to take over the duties now performed by the All-India Services in the transferred field should be free from all extra-provincial control, i.e., from that of the Government of India as well as from that of the Secretary of State. This, again, concurs with the intentions of the Reforms; for the new Services must be Provincial Services, if the above arguments are sound, and it was certainly intended that all Provincial Services working in the

transferred field should in due course be wholly controlled by Provincial authorities. In its *Memorandum* (paragraph 22) and *First Reforms Despatch* (paragraph 52), the Government of India explicitly recognised that " a time must come, *and may come soon*, when Ministers will wish to take the Provincial Services of their departments entirely into their own hands and to regulate their pay, pensions, recruitment, etc." But they went on to say : " We think that they should not do so until they have put these matters on a legal basis by legislation." Special reference was made to one item in such legislation. " As regards pensions, we think it necessary, before the reformed constitution takes effect, to set Ministers an example by legislating ourselves in the Indian legislature to secure the pensionary rights of all the Provincial Services." (*Memorandum*, paragraph 29. *Despatch*, paragraph 52). Finally, the Government of India, in the second of the two paragraphs, in which they summed up what they described as "their general scheme," reasserted the need for the Government of India and the Indian legislature on the one hand and Local Governments and legislatures on the other to take their respective parts in establishing the Provincial Services on a legal basis. As on most other Service questions, these proposals were accepted by the Division of Functions Committee, by the Secretary of State, and by Parliament ; and Section 96 B (2) was inserted in the Bill in order to facilitate their execution. The recommendation by this Royal Commission, as to the passing of Public Service Acts (Report, paragraph 16), thus clearly corresponds with the intentions of the Reforms.

10. This minute has so far been concerned with the All-India Services operating in the transferred field. It remains to deal with those operating in the reserved field (the Indian Civil Service, the Indian Police Service, the Indian Forest Service, except in Bombay and Burma, the Indian Service of Engineers in the Irrigation Department in all Provinces, and the whole of that Service in Assam), the argument being limited as before to the question of control. Here, again, the purpose that inspired the Government of India Act is not in doubt. (1) The All-India Services as a whole were to remain under the control of the Secretary of State. (2) The Superior Services in the reserved field would continue to be All-India Services. Only with regard to Services operating in the transferred field was it suggested that in course of time they might be replaced by Services under any other control. (3) The existing status of the All-India Services was to be defined and confirmed by law. On both points the documents are again unambiguous and decisive. The first of the two paragraphs summarising the " general scheme " of the Government of India as expounded in their *Memorandum* is as follows : " Concurrently with reforms, legislation should be undertaken in Parliament to declare the tenure and provide for the classification of the public services. It should secure the pensions of the (All) India Services, and should empower the Secretary of State to make rules for their conduct and rights and liabilities, and to fix their pay and regulate their allowances. The Bill should also provide for the establishment of the Public Service Commission and its duties." The *First Reforms Dispatch* reaffirms this policy. 'Hitherto,' it says, ' the regulation of the Services has been to a great extent uncodified or codified only by executive orders. . . . No time should be lost in reducing to statutory form the main rights and duties of the Services in India, in so far as they are not already prescribed by law or rule.' As regards the All-India Services, ' we consider that recruitment, whether in England or in India, should be according to the methods laid down by the Secretary of State, and that all persons recruited should be appointed by that authority.' (Paragraphs 44 and 45.) These proposals were accepted by the Division of Functions Committee and the Secretary of State. They were embodied in the Act in Sections 96 B, 96 C, and 97 to 100 inclusive. And in the Memorandum he laid before Parliament by way of explanation of the Bill, the Secretary of State declared, in particular, that ' members of All-India Services will continue as at present to be appointed by the Secretary

of State in Council, and the conditions of their service will be regulated by the same authority, which alone will have power to dismiss them.' (Clause xxiv.)

11. This decision was dictated by the second of the two cardinal principles of the Reforms. If the one principle was to make Ministers and Legislative Councils responsible in the fullest practicable degree for the good government of the transferred field, the other principle was that the Secretary of State and Parliament must remain no less fully responsible for the good government of the reserved field. It was never intended that this reserved responsibility should be diminished or delegated by degrees. The only change contemplated was the single change involved in the transfer, when the time should be ripe, of a subject or subjects in the first instance reserved. As long as such subjects should be reserved, the responsibility of Parliament with regard to them was to remain complete. It follows that the Secretary of State must continue to control the All-India Services operating in the reserved field. Only through the Secretary of State can Parliament's responsibility be fulfilled; it cannot be fulfilled through any other agency if responsible government is to be interpreted and practised in accordance, not merely with constitutional forms, but with the well-established lessons of political experience. And the Secretary of State, on his part, can only discharge this duty if he controls the Services concerned. The character and functions of the Superior Civil Services in India and especially the Indian Civil Service are necessarily different from those of the Civil Services in England. Scattered over wide areas, they are more directly involved in the executive government of the country than the mass of officials in Whitehall. The handling of local questions by any single member of them may immediately and drastically affect the interests of the population for good or ill. A collector's mistake on a communal issue might conceivably lead to widespread rioting and bloodshed. An engineer's negligence in the supervision of canals might conceivably result in a disastrous failure of the crops. The responsibility, in fact, is too great at all points to be broken up. It must form from link to link a single chain. In other words, the Secretary of State cannot, in any valid or effective sense, discharge his trust to Parliament for the good government of the reserved field unless he controls the making and maintenance of the executive machine on the efficiency of which good government primarily depends.

12. Hence, in the opinion of the writer of this minute, the recommendation in the Report (paragraph 13) with regard to the Services in the reserved field is no less in consonance with the principles of the Reforms than the recommendation with regard to the Services in the transferred field: and it was on this ground, as far as the constitutional side of the question was concerned, that he was unable to accept the proposal urged by several Indian witnesses that the Secretary of State should delegate his powers of control over the All-India Services to the Government of India. Against this proposal the arguments stated in the preceding paragraph seem still to be as decisive as they seemed to the authors of the Government of India Act in 1919.*

13. A few words may be said, finally, with regard to the constitution of the All-India Services operating in the reserved field. Under the existing system they are, of course, composed of Europeans and Indians in certain fixed proportions; but a radical change in this system was pressed on the Commission by many witnesses of high authority, both official and unofficial. The suggestion was that only the holders of that proportion of posts which was reserved for Europeans should in future

*The purposes for which Section 96 B(2) was inserted in the Act are clear from Mr. Montagu's *Memorandum to Parliament*, clause xxiv, and from the *First Reforms Despatch* therein referred to.

constitute, for example, the Indian Civil Service; and that the other vacancies as they occurred should be filled by Indians as members of Provincial Services, whether the posts were added to the existing Provincial Services or organised in superior divisions thereof. The arguments in support of this suggestion were as follows:—

(*a*) The quality of the Indians who have been recruited for some years past for the Indian Civil Service is not appreciably higher than the quality of the Indians recruited for the Provincial Services. If this is so, it is anomalous that Indians should be brigaded in different Services with different status and different rates of pay.

(*b*) The rates of pay offered for the Provincial Services are adequate to obtain the best material available. If all Indians were recruited on a Provincial basis a considerable economy could be effected without any loss of efficiency, since the actual Indians recruited would be the same men. It is on this ground especially that this proposal has been put forward by some of the Retrenchment Committees, largely composed of non-official Indians, *e.g.*, those in Bombay, the Central Provinces, and Bengal.

(*c*) If the recruitment of Indians is continued on an All-India basis, certain Provinces will obtain a disproportionate share of appointments, owing to their possessing higher standards of education. Moreover, Provincial Governments have shown an increasing unwillingness to accept recruits from Provinces other than their own; and recruits so posted have not uncommonly felt themselves regarded by local opinion as undesirable strangers and have not enjoyed the same prestige as might have been accorded to officials recruited on a Provincial basis.

(*d*) If the Indian Civil Service were in future restricted to European recruitment, such recruitment would be stimulated. To serve in a European *corps d'elite*, with its self-contained cadre and sequence of promotion, would remove some of the difficulties which at present tend to discourage young Englishmen from entering the service.

14. This case clearly deserved the fullest possible consideration, but the arguments that can be urged against it seem to outweigh those in its favour. They are as follows:—

(*a*) It has been stated in paragraph 11 of this minute that the responsibility of Parliament for the reserved field of government in India is one of the two cardinal principles in the present constitution, and that Parliament cannot properly discharge that responsibility, except through an agency recruited and controlled by the Secretary of State. It seems incompatible with those axioms to separate a public service which operates in a reserved department into two sections, one of which is European, recruited and controlled by the Secretary of State, and the other Indian, recruited and controlled by a Provincial Government. It makes no difference whether the agency is European or Indian; for the whole of it, and not merely a section, the Secretary of State and Parliament must be ultimately responsible. The machine which in each reserved department fulfils the higher duties of administration must be a single machine. From the Governor down to the youngest recruit it must feel it is a single body, performing one coherent task and obeying, in the last resort, one rule. Moreover, to bisect the Superior Civil Service, for example, would produce the anomaly that one district in a Province would be in the charge of an officer amenable to no higher control than that of the Provincial Government and Legislature, while an adjacent district would be in the charge of an officer ultimately

controlled by the Secretary of State and Parliament; and it would produce the further anomaly that work in adjacent districts of precisely the same kind and requiring precisely the same qualities would be done by officers of different status and different prestige and paid at different rates. It is true that officers of the All-India services are, in the first instance, under the immediate control of the Provincial Government, but the ultimate control is still the Secretary of State's; and, as has been shown in paragraph 11 of this minute, that ultimate control means more than a constitutional formality. It is true, again, that the anomaly has been for some time in existence on a small scale. Under the system of listed posts, members of the Provincial Service have already been discharging the same functions as members of the Indian Civil Service. But the existence of an anomaly is no excuse for its perpetuation, still less for its extension to a wider field. And in all other Services than the Indian Civil Service, officers promoted from a Provincial Service have taken full rank as members of the All-India Service.

(*b*) The policy of the European *corps d'elite* was vigorously repudiated by every representative, who gave evidence before the Commission, of the existing Indian members of the All-India Services. There are two main reasons for this attitude. First, they feel that the proposed bisection of the service would give to future Indian officers, both in their own eyes and in those of their people, a degrading sense of inferiority; and, secondly, they argue (and the evidence showed that the argument is well founded) that, so far from requiring a lesser degree of such additional protection as membership of an All-India Service can afford from the antagonism and interference of local politicians than their European colleagues, they require it in an equal, if not sometimes in a greater, degree.

(*c*) Nor would the bisection improve the position of the European officers. One of the difficulties under which they have been labouring is the racial antagonism which a certain class of politician has striven to excite against them. When the extremist Indian newspapers inveigh against the "Heaven-born service," they are thinking mainly of its European members. Separate these Europeans from their Indian fellow-officers, constitute them as a wholly European service, and you will greatly facilitate and intensify this kind of propaganda.

(*d*) To accept the principle, moreover, that, except in so far as Europeans are required for the services operating in reserved fields, those services should be provincialised seems to prejudge the future development of the consitution. It is held in some quarters that the development of the consitution will ultimately lead to full Provincial autonomy; but this is not a matter with which this Royal Commission is concerned. It may well be that it will ultimately be decided to maintain, at any rate, the Services responsible for the maintenance of law and order on an All-India basis. To make proposals at this moment tending in a contrary direction might seem to prejudice that decision. Some Indian witnesses, indeed, urged the importance of retaining the Superior Services on an All-India basis in order to constitute a check upon the excessive development of the spirit of Provincialism. To this school of thought the maintenance of All-India Services seems to be one of the means of building up a valid sense of Indian nationality. It is not easy to accept this view, since, as has been remarked above, it has already proved difficult, if not impossible, to prevent recruitment from becoming more or less Provincialised within the framework of an All-Indian system. Still, even if this is an unavoidable necessity, it need constitute no reason for the

abandonment of the whole idea of an All-India Service. As at present, so in the future, Provincial Governments would still be able to appoint to their Provincial posts recruits domiciled in their own Provinces; and it might be recognised (as was suggested by at least one Local Government) that recruitment of Indians to the Indian Civil Service in future should be carried out, so to speak, in Provincial compartments.

(*e*) The last argument against bisection is by no means the least important. One of the greatest services—perhaps the greatest—which Englishmen have done for India has been the training which they have given to Indian officials in the methods and morals of public service. Consciously or unconsciously, merely through being associated with Englishmen in the same administrative body, working side by side with them on a footing of complete equality, sharing equally in their pride in what the Service has done for India and in their hope of what it may yet do, many of them have acquired an *esprit de corps* and a sense of public duty the attainment of which by any other means must have been a long and difficult task. Equal comradeship with their Indian fellow-officers, on the other hand, has been one of the most effective means of giving to European members of the Services a better understanding of the Indian character and a livelier appreciation of Indian aspirations. Surely the continuance of this two-fold process is one of the things best calculated to promote the future welfare of the Indian Empire. The task of training Indians in public service, on the one hand, and of implanting in Englishmen a fuller knowledge of India, on the other hand, is, relatively speaking, only just beginning. To bisect the Services, to put Indians and Englishmen in separate compartments and, above all, to give the Englishmen an aloof and superior status, would mean the virtual abandonment of that task.

15. In the course of time the proportion of Englishmen needed for the public service of India will grow less; and it may be that the nature of the functions they will be required to perform therein will some day be radically changed. In the future, therefore, it may be necessary to reconsider the question of a separate organisation for English officials. But for the present and for years to come—as long, in fact, as Englishmen are employed as ordinary Civil Servants, still constituting a considerable proportion of the whole body, taking the same part as they do now in the administrative machine, and therefore doing the same work as Indian Civil Servants—it seems essential (if the above arguments are sound) that they should be grouped as they are now, side by side with Indians in undivided services.

(*Signed*)

R. COUPLAND.

Dated 30th April, 1924.

MINUTES BY PROFESSOR COUPLAND AND SIR CYRIL JACKSON.

I.

THE STAFFS OF CHIEFS' COLLEGES.

1. It was understood that the recommendation in paragraph 15 of the Report, with regard to the gradual replacement of the Indian Educational Service by Provincial Services controlled by Local Governments, would not apply to the reserved part of the educational field. Thus the recommendation does not affect the question of the appointment and control of the educational officers required for the Chiefs' Colleges.

2. As regards the status of the staffs of the Chiefs' Colleges, the evidence tendered to the Commission seems to show that their position is markedly different from that of other members of the Indian Educational Service, and is somewhat anomalous.

(*a*) It is clear that, apart from the question of reservation, these staffs cannot be appointed and controlled on a provincial basis, since (1) their work lies mainly outside British India; (2) the boys at the Colleges are drawn either from territories wholly separate from British India, or from States within the areas of various Provinces and not of one only. For these and other reasons, political and financial, such an arrangement is evidently impracticable, and it has not, as far as we are aware, been suggested.

(*b*) But the maintenance of these staffs as members of the Indian Educational Service seems also unsatisfactory. In certain vital respects their work is quite different from that of other members of that Service. It has an important political side. It brings them into close relations with Indian States and their rulers, without which the training of *Kumars* cannot be properly carried out. Moreover, they do not serve under the Educational Department, but, in theory at least, under the Foreign and Political Department of the Government of India.

(*c*) If the present tendency to leave the financial support of the Colleges as far as possible to College funds continues, it seems desirable, with a view to the contentment and efficiency of the existing staffs and their proper recruitment, that they should be retained under official control, and this control, it is argued, could best be exercised through the department of the Government of India which is concerned with the Indian States.

3. In the light of these considerations we are of opinion that the recruitment and final control of the Staffs of the Chiefs' Colleges should remain as at present in the hands of the Secretary of State; but that the existing staffs and future recruits should be constituted an Educational Branch of the Foreign and Political Department of the Government of India. We would further suggest that, with regard to any consequential readjustments of pay, it should be borne in mind that the cadre of those staffs is small and that therefore these important and responsible posts are relatively less advantageous to their holders and less attractive to potential recruits.

II.

THE OPEN COMPETITIVE EXAMINATION.

1. To re-establish a full supply of first-rate British recruits for the Indian Civil Service is, in our opinion, of the very first importance. It is to be hoped that the recommendations of the Report will go far to meet this end. But other possible considerations, though they may be relatively points of detail, should not be ignored, considering the difficulties which have so seriously obstructed recruitment in the last few years. We desire, therefore, to draw attention to certain features of the Open Competitive Examination as at present organised and their bearing on what has hitherto been the most productive source of recruitment.

2. For many years past Oxford University has supplied the largest proportion of British recruits for the Indian Civil Service. The following table gives the number and source of the successful candidates from 1910 to 1914, and for each of the three years since the Open Competitive Examination was reintroduced after the war.

	1910.	1911.	1912.	1913.	1914.	1921.	1922.	1923.	Total
Oxford	36[1]	28[3]	19	19	17[6]	1	5	3	128
Cambridge	17	11[4]	12[5]	12	18	2	—	2[7]	74
Other English Universities	1[2]	5	—	1	2	—	—	1	10
Scottish Universities	4	2	4	5	6	—	—	1	22
Irish Universities ..	—	3	5	4	3	—	1	—	16

[1] One previously at St. Andrew's and one at Auckland.
[2] One previously at London.
[3] One previously at Cardiff.
[4] One previously at Aberdeen.
[5] One previously at T.C. Dublin.
[6] One previously at London.
[7] One previously at Edinburgh.

While recruitment needs stimulating at every source, clearly nothing should be done to check it at that particular source which has hitherto been most productive and consistent; and we regard it as unfortunate that something has already been done to that effect. Enquiries at Oxford have convinced us that the alterations made in 1919, and put in force in 1921, in the system of papers and marking for the Open Competitive Examination have already operated to deter some good Oxford men from competing, and will continue so to operate in the future.

3. A very large proportion of the best Oxford men, and of those who have in the past been recruited for the Indian Civil Service, have been trained in the classical school, i.e., they have taken Honour Moderations and the Final School of Literae Humaniores ("Greats"). Under the old regulations it was possible for such men to pass from their Final Schools in June to the Open Competitive Examination in August, with little intermediate "cramming," since the papers and marks were so arranged as to give full weight to the knowledge they had acquired in their Oxford course. But under the new regulations they are handicapped in the following ways:—

(*a*) The marks now assigned to Philosophical subjects are relatively much lower. This tells against candidates who have worked at "Greats," because Philosophy and Ancient (Greek and Roman) History are virtually the only subjects studied in that School, and those who take it devote at least half, and in many cases more than half, of their two and a half years' work to an intensive study of Philosophy.

(*b*) As the regulations stand, a candidate who is proficient in Greek and Roman History, which are an integral part of "Greats," can only obtain credit for these subjects if he also takes the papers in Greek and Latin translation and composition, and has a general knowledge of Greek and Roman Literature. But if he is not a good pure scholar (and many of the best "Greats" men are not), he is in the position of being compelled to take papers in which he is weak—a handicap of a kind to which no other candidates are subject. There can be no disadvantage to candidates from other Universities in making it possible to take the history papers without the language papers and *vice versa*, and the combination of the literature questions with the language papers rather than with the history papers would probably be equally unobjectionable to them. Conversely the scholar whose interest has been more in language and literature than in history is handicapped at present by being obliged to offer history as a condition of showing his knowledge of literature.

(*c*) The institution of General Papers, for all candidates, dealing mainly with contemporary and scientific subjects, is doubtless an improvement in the examination, but the title "Science" which is given to one of these has proved a deterrent to some Oxford men. In fact, the questions set have not been, and probably are not likely to be, over-technical ; and the word "Science" is given a wide interpretation by the examiners. But it must be remembered that the effects of the reformed curricula which are gradually being adopted in Public Schools can only make themselves felt very slowly, that the present generation of University men is practically untouched by them, and that they have not been able to combine any study of Science with their regular work at Oxford. It would be desirable, in our opinion, not to abandon scientific questions as part of the General Papers, but at any rate for the next few years, to set two General Papers, including the subjects of the present Science paper, but not making the Science questions compulsory as at present. In a few years probably the effects of the wider teaching of Science will be such as to justify the setting once more of papers on the lines of the present regulations, but there can be no question that at present the Science paper is a deterrent to good men.

4. In the light of these considerations we strongly recommend that all possible steps should be taken to readjust the regulations—if only temporarily and in view of the present difficulties with regard to recruitment—so as to free the classical candidates from Oxford from the newly imposed handicaps and to restore to them the same kind of scope in the examination as they used to have. If the recommendation in the Report as to the ratio of recruitment for the Indian Civil Service is adopted, the number of British recruits required from year to year will not be large. But it is *essential* that *all* the vacancies should be filled ; and it is more than ever necessary that those who fill them should be of first-rate quality. Under these circumstances we do not believe that other Universities would object to the restoration of the conditions of examination which obtained before 1919. In so far as their own classical candidates have been exposed to the same handicaps as the Oxford "Greats" men, they will equally profit by their removal.

(*Signed*)

R. COUPLAND.
CYRIL JACKSON.

Dated 30*th April*, 1924.

MINUTE BY SIR REGINALD CRADDOCK UPON CERTAIN OF THE CONCLUSIONS OF THE COMMISSION.

After a term of service in India approaching 40 years (if my service as a Member of the Commission is included)—1884 to 1924—of which period over 15 years were spent in high office, it is perhaps permissible for me to place on record the reasons which have led me to agree in the recommendations contained in the Report. In a great many cases I have, of course, nothing to add to what is therein stated, but in the matter of Indianisation, the future provincialisation of certain departments now manned by members of the All-India Services, the future civil medical administration of India, the special conditions of Burma, and generally upon the remuneration of and concessions to members of the various Services, I desire to offer some supplementary observations based both on the evidence that I have heard as a Member of the Commission and upon my own experience of Indian Administrative problems.

(I) INDIANISATION.

1. The case for Indianisation of the superior Civil Services is pressed mainly by the classes who take an interest in politics, have developed a national pride, and supply the educated material that finds employment in these Services. This class of opinion presses for the rapid replacement of British officers by Indian, and answers the doubts of more conservative minds by pointing out that it will be many years before the present generation of British officers will serve out its time and disappear. On the other side, are representatives of the depressed or untouchable castes, of cultivating classes, of artizans, of Mohammedan sentiment and of other minorities, who fear that with the rapid disappearance of British personnel in the Indian Civil Service and Police, and even in the Education and Medical Departments, their own interests will be neglected by the upper classes, who, with the waning of British influence, will regain their old ascendancy and may use it to the prejudice of the ignorant masses. It is true that the best elements of Indian political thought genuinely regret the continuance of these old-time prejudices, and would like to see all these social bans removed; but the poor feel that the traditions of centuries are not likely to be broken if the British example, which has done so much towards making the first breach in them, should be too rapidly withdrawn. It is with both these opposite points of view in mind that I have concurred in the recommendations of the Report regarding the various Services, which strike a just mean between the impatience of the politician and the conservatism and genuine anxiety of large communities who regard their security as bound up with the continuance of British inspiration in the government of the country.

2. The rates of Indianisation proposed for the two security Services, the Indian Civil Service and the Indian Police, may seem at first sight to involve too rapid a transformation of the composition of these two most important Services, upon whose ability, integrity and impartiality the peaceful progress of the whole country and the stability of the Government, whatever form it may ultimately assume, must depend; for if once the magistracy, the revenue administrators and the Police force should become inefficient, the whole fabric of the State collapses, and the constitutional reforms themselves would be placed in jeopardy. It is otherwise with the Services which demand professional or technical skill. Efficiency in them is most desirable, but not absolutely vital. The difference between these Services and those has been taken into account in past policy, and the same distinctions must clearly be observed in the policy for the future.

Indian Civil Service.

3. No one will deny that the progress made towards greater association with Indians in the Indian Civil Service had before the war been exceedingly, and, to Indian aspirations, most disappointingly slow. The attempt made more than 40 years ago to provide a nominated and non-competitive element in the Indian Civil Service under the designation of Statutory Civilians had been abandoned after a short trial, and was superseded on the recommendations of the Commission of 1887 by a system of setting apart some superior posts to be known as " listed posts," to which senior members of the several Provincial Civil Services might aspire. The objective aimed at was to set apart one-sixth of the posts, judicial and executive, to be filled by promotion from the Provincial Civil Services ; but the immediate transfer of such posts was impracticable without injury to the vested interests of the members of the Indian Civil Service, who had been recruited to fill all superior posts, including those to be transferred. The transfer had therefore necessarily to be a gradual one, but inasmuch as more than 35 years have elapsed, and the transfer is not yet completed, it would certainly seem that all Local Governments have not been bearing the matter sufficiently in mind, and that opportunities of transfer have been lost ; for if with immediate effect the recruitment for the Indian Civil Service had been reduced by one-sixth, then the transfer could have been completed as soon as every Indian Civil Service officer of the year preceding the reduction had been provided with a superior post, and the process would have taken not more than 15 years at most. Transfers also can be effected whenever a new superior post is created. The reasons for this slowness in effecting the transfer of the full number of listed posts in favour of the Provincial Civil Service were, first, that Local Governments hesitated about entrusting such important charges to members of the Provincial Civil Service as then constituted ; secondly, that recruitment to the Indian Civil Service was based not upon five-sixths of the superior posts, but upon the total superior posts at any moment in existence less only those that had actually been transferred and listed. Consequently, for the posts still awaiting transfer, fresh vested interests were coming into existence each year, thereby further retarding the transfer. At the time of our inquiry, in all the Provinces taken together, out of a total of 700 superior posts only 88 had been listed instead of 116, though a few additional transfers have been prepared for by the creation of inferior listed posts, mainly judicial, incumbents of which will receive their promotion in due course.

4. This slowness of transfer has naturally excited criticism in Indian political circles and justifiable disappointment among the members of the various Provincial Civil Services. The Islington Commission preferred an acceleration of Indianisation in the Indian Civil Service proper and the handing over of 40 superior judicial appointments for direct recruitment from the Bar, a proposal which has excited some resentment among the members of the Provincial Judicial Services. Indeed, the Islington Commission proposed that the number of listed posts should be reduced rather than increased. The evidence before our Commission, which I can confirm from my own knowledge and long experience of the officers of the Provincial Civil Service, is convincing that no such reduction should be effected. It would be unfair to the Provincial Civil Services and inexpedient in the interests of the country. Not a few authorities who have given evidence before us even consider that the Provincial Services can produce men in no way inferior to members of the Indian Civil Service. Our proposals therefore in this respect go in the contrary direction to that taken by the Islington Commission, and we have recommended that 20 per cent. of the total superior posts should be listed for the benefit of the Provincial Civil Services. In other words, these will rise from 88 to 140.

5. I should like to add that it is doubtful whether so many as 40 out of these posts should be held permanently at the disposal of members of

the Bar. This may be a useful temporary expedient in Provinces such as Burma, in which the local judicial branch of the Provincial Civil Service has only recently been reorganised; but wherever these Services are of long standing there is no guarantee at all that direct appointments to the post of District and Sessions Judge from the Bar will provide candidates who are in any way superior to those obtainable from the ranks of the subordinate judiciary. It must not be forgotten that the Provincial Judicial Services themselves are largely recruited from young members of the Bar who are not over 30 years of age, and it is well known that some of the best Judges in the Provincial Judicial Services were thus recruited. The pick of the senior Bar is not likely to look at the emoluments of a District and Sessions Judge; for, the acceptance of such appointments by members of the Bar would, if they were able men, actually reduce their prospects of elevation to the High Court. If the best members of the Bar are not available for appointment to District and Sessions Judgeships, it would be a serious injustice to the most deserving judicial officers if they were to be passed over for the sake of men of mediocre talents whose promotion, owing to their younger age, would also cause a permanent block in promotion.

6. We have not in our Report made any suggestions as to the manner in which these additional listed posts should be filled by members of the Provincial Civil Services. The question is really one for Local Governments to consider. The vested interests of existing members of the Indian Civil Service cannot be disregarded, but it would be possible for the Local Government to transfer the most promising young men of the Provincial Civil Service to the status of Assistant Collectors or Assistant Commissioners, placing them below the Indian Civil Service recruits of the year of transfer. It would, however, be inexpedient to lay down any hard and fast rule of this kind, since so much must depend on the relative efficiency of the higher and lower ranks of the Provincial Civil Service. The expectations of the senior men of the Provincial Services must not be neglected. In any case, as recruitment by the method of competitive examination would be made only for 80 per cent. of the superior posts, there would be no risk of the interests of the Provincial Services being overlooked, as was the case in the past.

7. I pass now to the Indian Civil Service proper, as distinct from the listed posts to be filled by promotion. Up to the war, the number of Indians who entered the Indian Civil Service through the open competition in London averaged 3½ a year out of an average number of about 53 vacancies, or under 7 per cent. The war completely disturbed all previous recruiting arrangements, and when, under the Montagu-Chelmsford scheme, the ratio of Indian recruitment was fixed at 33 per cent. rising by 1½ per cent. a year to 48 per cent.—this arrangement to have effect from the year 1920—there were large arrears to be made up, and the numbers recruited each year have been in no settled ratio, as the following figures will show:—

Year.	*British.*	*Indians.*	*Total.*
1915	11	3	14
1916	4	5	9
1917	2	4	6
1918	Nil	9	9
1919	62	39	101
1920	44	6	50
Total for six years ending 1920	123	66	189

Since that date the relative figures have been as follows :—

Year.	*British.*	*Indians.*	*Total.*
1921	30	25	55
1922	9	24	33
1923	21	15	36
Total for last three years ..	60	64	124

Thus, over a period of nine years, which should on normal recruitment have added about 477 recruits to the Service, the actual total additions have only been 313, of whom 130, or nearly 42 per cent., have been Indians. From 1920 onwards to 1923 there should have been 212 recruits. There have only been 174, of whom 70 have been Indians, or 40 per cent. On the normal vacancies the Indians recruited amount to 33 per cent., and the British to 49 per cent., leaving some 18 per cent. unfilled, the deficiency being entirely in the British quota. The war and post-war recruitments albeit due to circumstances which were unavoidable, have produced so unequal a distribution by years between the two races as is likely to prove embarrassing when the recruits of these years are due for promotion to superior posts ; and it is of the utmost importance, therefore, that for the future fixed ratios should be preserved, so that the Service should not be in strata of race constitution, but rather that British and Indians should advance in the Service *pari passu* in fixed and definite ratios. It is on this account that I have accepted the proposed ratio of annual recruitment of 40 British to 40 Indians plus 20 promotions from the Provincial Civil Service to every 100 vacancies, the same to continue until the constitution of the whole Service is half and half, including listed posts. This proportion should be reached by 1939, and if these recruitment ratios have been maintained regularly there should not, by that time, in the ordinary course of events be any reason why these ratios should not be continued ; but it is quite impossible to forecast the conditions that may prevail 15 years hence. It is impossible for anyone to say definitely that such and such a ratio fulfils certain definite tests, but in agreeing to these conclusions I have agreed to the largest measure of Indianisation which, while appearing to me to meet all reasonable claims of Indians, will ensure that the British element in the Services shall not be too rapidly diminished. Under the existing system, the Indian ratio would be 39 per cent. for 1924, and 40½ per cent. for 1925, including listed posts ; but our recommendations raise the Indian fraction of recruitment to 60 per cent. again including listed posts, though it will be many years before the British element in the whole Service falls to that ratio of recruitment. Time will disclose the quality of the material available in London and Allahabad under new conditions and under new tests. By the time that the Statutory Commission of 1939 comes to make its Report, the Indians already in the Service, and those recruited between the years 1915 and 1920, will have completed 20 years' service, while those recruited during the next few years will at least have attained to superior posts, so that there will be ample material before that Commission to enable it to form a judgment as to the future ratios of recruitment. In considering the margin of safety under present conditions, I have visualised the position that 20 per cent. of the superior charges will be such as may safely be entrusted to the best material available from the Provincial Civil Service. Of the remaining charges, presumably those of a more responsible character, the future recruitment will be half British and half Indian.

Indian Police Service.

8. In the case of the Indian Police, the proposals of the Report are designedly more cautious than in the case of the Indian Civil Service. For one thing, the proportion of Indians already serving in the Indian Police Service is much smaller than in the Indian Civil Service ; for another, while in the Indian Civil Service there are many posts not directly concerned with law and order, in the case of the Police there is scarcely a single post of which the incumbent is not directly dealing with the maintenance of public order and the detection of crime ; and for a third, it is not a Service which has hitherto attracted that precise type of Indian recruit which is likely to be most successful for work of this kind. Nevertheless, so much depends upon the continued efficiency of the Police Force over the whole of India that greater caution is essential, and, indeed, the evidence shows that even advanced political opinion is averse from as rapid an Indianisation of the Police as it recommends in the case of other Services, not excluding the Indian Civil Service. Recent events have shown that communal differences have increased rather than diminished in bitterness since the advent of the Reforms, and that, without any reflection upon the courage and integrity of Indian Police officers (and they have shown abundance of it) the British officer's natural aloofness from these communal disputes is a source of confidence to all contending communities alike that in conflicts which may arise between them racial and religious prejudice will not be a factor when action has to be taken against offenders. I can, from my own experience, testify that however justly and impartially an Indian Police officer has acted in such cases his action is apt to be attributed to partiality with one of the contending sides, when a British Police officer, taking precisely similar action, would be exempt from any such imputation upon his good faith. In agreeing to the recommendation of the Report that half the future recruits shall be British, I have taken account of the fact that with the existing preponderance of the British element in the Police it will be some 25 years before the actual composition of the Indian Police Service corresponds to the half-and-half recruitment ratio which the Commission have recommended. The poor success that has been attained by direct recruitment to the Indian Police Service up to the present, and the reported greater efficiency of the officers promoted from the rank of Deputy Superintendents in the Provincial Police Services—an experience common to all Provinces—has led to the proposal to provide one-half of the recruitment of the Indian element by promotion, this proportion being even increased if the anticipated improvement in the quality of Indians directly recruited does not materialise. The proposals connote that if a quarter of the District Charges are entrusted to promoted Deputy Superintendents who have stood the test of experience, for the remaining charges recruitment shall be in the ratio of two Englishmen to one Indian, thus making them equal when all charges are taken into consideration.

9. As regards direct recruitment, the material required is much more akin to that desired for Indian officers for the Indian Army than to the more studious element attracted to the Indian Civil Service and to the professional and technical Services ; but the experiment of direct recruitment is of such recent introduction that it is not yet possible to come to any clear conclusion on the subject. In agreeing to the recommendation that the proportion of British to Indian recruitment should be reduced from two-thirds at present to one-half in future, I am fortified not only by the evidence of a good many reliable authorities, but by the concurrence in this proposal of my colleague, Mr. Petrie, a distinguished Police officer of over 20 years' standing, whose experience has been a wide one, and who has also special knowledge of the conditions of the Punjab, a Province in which caution in the matter of Indianisation is clearly as desirable as in any other part of India.

(II) PROVINCIALISATION OF DEPARTMENTS NOW ADMINISTERED BY THE ALL-INDIA SERVICES.

10. The Services that are affected by the recommendations that we have made are those working in the transferred field of government, namely, the Public Works (Buildings and Roads)—except in Assam—the Indian Forest Service in the two Provinces of Bombay and Burma, the Indian Educational Service, the Indian Agricultural Service, and the Indian Veterinary Service. I leave out for the moment the Indian Medical Service, which requires special and separate treatment. I do not think that at the time when the Montagu-Chelmsford Reforms were instituted it was fully realised that recruitment for these Services on the present system and on an All-India basis might come to so abrupt a termination as our proposals involve. I have agreed to these proposals myself with great regret. It must, however, be explained with considerable stress that the members of all these All-India Services are not themselves being in any sense provincialised. If our recommendations are accepted, it would simply mean that all future recruiting for these Services will come to an end, but all the existing members retain their full rights and privileges as members of an All-India Service, and they will from that fact be entitled to any concessions which upon our recommendations or at any future time may be sanctioned for the benefit of the All-India Services generally. The step recommended is regarded by a large number of authorities in India, including several Local Governments, as the inevitable concomitant of the constitutional changes by which certain Departments have been transferred to the control of Ministers responsible to local legislatures. For the future, the terms on which new members will be recruited, the proportion of British recruits, if any, required, and the method by which they will be obtained, will be matters for each Local Government to settle for itself subject only to the reservation that the Public Service Commission to be established under Section 96 C of the Government of India Act, 1919, will lay down the standard for admission to the newly provincialised Services. This is a very important reservation, and along with it must be considered our proposal that Provincial legislatures should forthwith pass Acts for the regulation of their Public Services, so as to remove all these Services from undesirable political pressure or transient political bias. Several of those who have given evidence before us believe that the hostility from time to time shown by the new legislatures is entirely occasioned by the fact that members of the All-India Services are imposed on them from outside, and that fresh recruitment for those Services will indefinitely prolong these vested interests; but that, once control passes from the Secretary of State to the Government of India or to the Local Government in the transferred field as the case may be, all bias and animus will disappear. Time alone can show whether these anticipations are over sanguine or not. In the meantime, so far as Indianisation is concerned, it will be left entirely to each Local Government to decide whether the existing Provincial Services as now constituted will suffice for their requirements, or whether higher-paid officers, equal in status to those entering the All-India Services now, are still wanted, and, if so, what British element, if any, should still be recruited, and how it will be obtained.

11. If special covenants between the recruit and the Local Government are found sufficient to attract and retain such British engineers, British forest officers, agricultural experts, educationalists and veterinary surgeons of the same standard as are now found in the present Services, and to the number that the Local Government may require, there is distinct advantage in an arrangement of this nature. But if British officers of the required standard are not forthcoming on these terms, it will then be necessary for a Local Government to decide whether it will do without British officers altogether, or else approach the Secretary of State to recruit them on the same conditions as officers of the All-India Services are now recruited, and

under the same security of tenure. If this should occur, then such officers will not have been imposed on the Ministers concerned, but will have been obtained by their own choice, and no prejudice against them could reasonably be felt. This is the logical outcome of the Reforms and of the transfer of these Departments to the administration of Ministers responsible to Local Legislatures. Nevertheless, no one who has served with and over these Services, as I have been privileged to do, can contemplate without profound regret their virtual disappearance as live and growing organisations which have conferred and would, if they were to survive, continue to confer inestimable benefits on the people of the country.

12. In the case of the Department of Public Works the Irrigation Branch of the Indian Service of Engineers, which has made for itself world-wide fame, has still a lease of life left it, but the Buildings and Roads Branch must slowly disappear as an All-India Service, partly because a great deal of the work which it has discharged is destined to devolve on local agency, and partly because with such excellent engineering colleges as exist in India there will be no lack of qualified Indian candidates to construct and maintain such works as still remain in provincial charge; but it will be many years yet before this great All-India Service, with its high traditions, will disappear. There are but few parts of India in which an efficient local engineering agency in the service of local bodies has yet been created, and I trust that such alleviations as the Commission have been able to suggest will induce all existing members of the Service to serve out their full time and impart their high standards of skill, duty and integrity to those who come after them.

13. The great sister Service, the Forests, is still, except in Bombay and Burma, controlled by the reserved side of government, and although we propose a higher ratio of Indianisation than has hitherto been adopted, the realisation of this ratio must depend upon the readiness of Indians to qualify themselves for a Service which has hitherto not made any serious appeal either to the Indian student or to the Indian parent. The projected improvements in the Forest College at Dehra Dun may invoke a greater enthusiasm among Indians for a forest life than has yet been manifested. If so well and good; but it is to be hoped that no Government in India, whether it be of Members or of Ministers, will allow itself to underrate the enormous importance of the forest estate in India both to Indian agriculture and to Indian commerce. I have been closely associated with the two Provinces in India in which reserved forests cover the largest areas. The labours of past generations of Forests officers have not been in vain, but the fruits of these labours are still not fully to hand. Organised research is still very much in its youth, and it would be a lamentable event if forests ever came to be regarded as a department in which inefficiency was of little consequence. The Provincial Forest Services have produced some excellent Forest officers, many of them, it must be said, Anglo-Indians, and it is not lack of ability but lack of inclination for the isolation and exposure of a forest life that is most likely to militate against the more rapid Indianisation of this great Service.

14. The Indian Educational Service as an All-India Service, apart from isolated appointments, has had a shorter life than the Indian Service of Engineers or the Indian Forest Service, but British recruitment, except in the case of Burma, has almost brought itself to a close for lack of candidates in later years, and most of the Provincial Directors of Public Instruction in India reluctantly agreed that its continued maintenance as an All-India Service is no longer possible. There is no lack of competent Indian graduates to fill the educational posts in the public service. If British principals or professors are still wanted in the universities and colleges, it will be possible for them to be obtained on such special terms as will attract men of the required qualifications. On the administrative side there will be for some years to come members of the Indian Educational

Service, British and Indian, to fill the posts, after which events will show whether a British element in educational work can be dispensed with, or is proved to be still necessary. The Indian Educational Service has produced many distinguished men, and has played a very valuable part in the educational development of India. There are many Indians who look back with respect and affection to British principals of colleges and British headmasters of schools under whose hands they received their own education. It is indeed a matter for anxiety whether, when everything turns upon the successful education of young India in self-government on Western lines, it is the right time to cut off the supply of Englishmen, bringing with them the spirit of the West; but education having been handed over to the control of Ministers, they must be left to find out for themselves whether they need British educational officers or not, and if they do, how best to obtain men of the requisite character and qualifications; but it is not a department of state in which British officers are likely to be successful if it is felt that they have been imported against the wishes of those who are most interested in education.

15. The Indian Agricultural Service only came into existence in 1906, and in the 18 years that have followed it has achieved results of which it may well be proud. To one who, like myself, has had responsibility for the agriculture of a Province before those days, and afterwards took a prominent part in fostering the working of the new Service and in expanding the personnel, the cessation of all British recruitment is specially regrettable; but one cannot resist the logic of events. The importance of the work that these pioneers of scientific agriculture have done to increase the agricultural prosperity of the country cannot be over estimated, and it can only be hoped that the present officers of this Service will not take their hands from the plough before it can be seen whether Indian successors of the requisite qualifications, initiative and vigour are forthcoming to replace them. It is a Service which ought to and could be carried on by Indian agency, but hitherto it has not been a very popular one with Indians; and men are wanted, not merely those who seek a livelihood after having failed to obtain it in other branches, but men who are really inspired with professional zeal and enthusiasm for playing their part in improving the lot of agriculturists in a country in which many millions of men depend entirely upon successful agriculture for their well-being and happiness. There are many vacancies in this department which are unfilled, and which will now be provincialised if our proposals are accepted.

16. The Indian Veterinary Service as an All-India Service is also a very recent organisation. It is a department in which the subordinate agency has been forthcoming in abundance. An improved veterinary education has been able to provide a few officers for Provincial Veterinary Services, but up to the present only three Indians have qualified themselves for higher veterinary work by obtaining the diploma of M.R.C.V.S. The department requires men not only of sufficient ability to pass the necessary examination, but those possessing fondness for animals, facility for handling them, and familiarity with rural life, which in Europe draws men to this profession. In this department also the Indianisation of the higher posts must be limited by the number of qualified Indians available. If the effort now being made in this direction proves successful, there is no reason why Local Governments should have any difficulty in finding suitable candidates from among Indians possessing European qualifications, but the experiment of educating Indians for this profession up to the standard which prevails in Great Britain is a very recent one, and it remains to be seen whether the Service will prove attractive to the men who are likely to prove successful. Unlike the medical profession, the scope for private practice has hitherto been very limited, and the artificial stimulus of scholarships has been necessary to induce Indians to qualify themselves for the higher ranks of the veterinary profession.

17. If all these departments are for the future provincialised, as is our recommendation, the Government of India will still require to recruit men for posts directly under the Central Government. The very fact that all recruitment for these All-India Services in the Provinces will cease is an additional reason for the Government of India to insist upon high standards for the men directly serving under itself. It will be responsible for the work of these departments in all minor administrations, and it will be specially charged with the maintenance of central research. Institutions like Pusa, Dehra Dun and Muktesar, and so on, must be maintained, and it would certainly be expedient for the Government of India, with the provincialisation of the Veterinary Department, once more to appoint a Veterinary Adviser to advise both itself and, if need be, Local Governments in matters of cattle disease which may be of national or even international importance. There is scientific work to be done which knows no provincial boundaries, and it will be necessary for the Government of India to provide itself, expecially in such departments as Agriculture and Veterinary, with a few officers recruited under All-India Service conditions whose services can be lent occasionally to particular Provinces at particular times and for particular purposes. Hitherto it has been able to draw on Provinces for its own requirements, or occasionally for Indian States. In future, with Services variously recruited in the different Provinces, this source of supply may not always be open. The Provinces of India have not yet become separate States, and, even were they to be so constituted in future, the Central Government could not be entirely unconcerned with matters of such vital importance to the country as a whole as the progress of agricultural or veterinary science. Animal transport has not yet been entirely superseded for military purposes. The staple crops of the various Provinces are not of purely local importance. The Burma rice crop, the Punjab wheat, and the Bombay and Berar cotton, affect the whole of India. The hide trade is not confined to any single Province, and foreign restrictions against India with regard to the export of hides would have very serious results.

18. In the case of education there is not, of course, the same necessity for a central institution. The Chiefs' Colleges have to be manned, and for a long time to come British members on the teaching staff will be required. Except in Burma, European and Anglo-Indian education is under the reserved side of government, but the disposition of the legislatures towards it may at some time compel the Central Government to take it over. Europeans contribute very largely in proportion to their numbers to income tax and customs, namely, to central revenues, and there would be a certain fitness if European education became the special charge of the Government of India.

19. Bearing all these considerations in mind, I have come to the conclusion with the rest of my colleagues that the carrying out of the work of these departments operating in the transferred field in the Provinces must be left to Provincial Governments, and that Ministers can no longer be compelled to indent upon the Secretary of State for the continuance of these Services on an All-India basis. The Central Government will likewise be free to recruit officers for its own requirements and at its own pleasure, if it so decides through the Public Service Commission in India, or if it prefers through the Secretary of State in England. In fact, it will in the case of all such officers exercise the same discretion as we have recommended for its own Central Services, excepting only those *quasi* security Services, the Railways, the Telegraph Engineers, the Customs, and Political, which we have recommended to continue under the control of the Secretary of State. These last are the Central Services upon which the military security and the commercial credit of the country depend. In the case of the Political Department, the foreign relations of the country, both with the interior Indian States and the neighbouring Asiatic powers and independent tribal organisations, require the services of officers drawn either

from the Indian Civil Service or the Army, and no separate recruiting arrangements are necessary. In respect of all the Scientific Services, it will, under our proposals, rest entirely with the Government of India to decide from time to time the source of recruitment and the extent of Indianisation.

(III) Medical Administration.

20. This is one of the most difficult problems with which the Commission have had to deal. There has been a very strong feeling expressed in many quarters that an Indian Civil Medical Service should be created, and that the anomaly of a Military Medical Service responsible also for the civil medical administration of the country should be brought to an end. Various solutions have been proposed by various responsible authorities, military and civil, but every scheme that has been put forward in the past by the one or the other has been criticised as failing to meet the needs of the country either military or civil as the case may be. The demand for Indianisation, by some said to be too slow and by others too fast, has introduced a third factor into the controversy, and a fourth is the desire for recognition and promotion by medical officers of the Provincial Medical Services, the class generally known as Civil Assistant Surgeons, who have enjoyed the best medical education that India can offer, while some of its members have added to their qualifications by study in Great Britain and the acquisition of British medical degrees. A fifth factor is the cry of the Indian medical profession that they are shut out of all share in the plums of the profession in their own country by the members, British and Indian alike, of the Indian Medical Service. A sixth and very important factor is the claim of Englishmen in the Services, a demand that has the support of the non-official European community, that men of British race serving in India are entitled to the services of doctors of their own race, more especially for the treatment of their wives and families. Seventhly and lastly, the settlement of these controversies has been complicated by the fact that civil medical administration, including public health, has been placed in the transferred field, and that the constitution of the medical services in the Provinces is therefore a matter that should be decided by Ministers in accordance with the wishes of the local legislatures. All the controversy and delay in decision which these conflicting interests and claims have brought about has further been aggravated by the fact that they have coincided in time with a period in which, as a consequence of the war, there was a serious shortage in the out-turn of trained medical men from the British medical schools, while the out-turn of the products of medical colleges in India has not been similarly curtailed. The solution of these problems, which we have suggested as set out in paragraph 23 of the Report, represents, I think, an attempt to give to all these claims such proportionate weight as each seems to deserve consistently with none of them being neglected.

21. Speaking for myself personally, the problem is one with which I have been familiar for many years past, both in theory and in practical experience, and from the point of view of that experience I can only agree with my colleagues in the tribute that has been paid in the body of the Report to the great Services that have been rendered to India by the Indian Medical Service, and I can only express my own personal regret that, if our recommendations are accepted, there will be no successors under that honourable designation to carry on their great work; but if their lineal successors are found in the Royal Army Medical Corps (India) which we seek to create, the change would be one of name only and not of traditions, for that portion of the personnel at least should be of the same quality and high standard that has ever distinguished the officers of the Indian Medical Service. There has appeared to me to be no choice, for events have shown clearly that there is no longer any room in India for two

military medical services competing with one another for the best medical talent. The present Royal Army Medical Corps suffers from the lack of scope and variety which civil medical work offers, while the prospects of work in the Indian Medical Service have been painted in such dark colours in recent years in England that the best medical talent has feared to commit itself to a wholly Indian career. The officer entering the Royal Army Medical Corps (India) will not be so committed until he has had an opportunity of personal contact with the country, and the manner of life and attractions which it offers, and even then, if he offers himself for civil employment, he will not be finally committed for a period of years; but it would not be practical politics to attempt to create a civil medical service in India without any regard at all to the requirements of the Army.

22. It has been the fashion since the great war to assert that the reserve value of the Indian Medical Service has been found wanting. No regular paid reserve could ever be contemplated in peace-time in any country that sufficed for the needs of a world-wide war. What is required in India is a reserve sufficient to meet the medical contingencies of such frontier campaigns or small overseas expeditions as the relations of India with her neighbours may from time to time, in the light of past experience, render possible. Consequently, if the prudent reserve necessary to provide against these contingencies is to be maintained, it cannot be as a surplus medical staff swelling the Army estimates and kicking its heels in idleness, but must be employed rendering service to the country and improving its own practice and experience in civil employment. The strength of that reserve will, in the first place, determine the number of Royal Army Medical Corps (India) officers in civil employ. This number has to be contrasted with the necessary British element that has to be provided in civil medical administration; and the strength of this British element has to be computed by the Secretary of State in consultation with the Government of India and Local Governments. The directions in the matter that he has already given will stand or be modified according to the results of the application to the various Provinces of the principles which we have suggested. In so far as the Royal Army Medical Corps (India) provides officers to form the essential British element, that proportion is secure. For any balance the Government of India and the Local Governments will have to look to the suggested new civil medical service. If suitable British medical officers are forthcoming in sufficient numbers in that Service to provide that balance on standards pronounced to be adequate by the highest authority, then the problem is settled; but if not, the Royal Army Medical Corps (India) will either be asked to increase its reserve to make up the deficiency, or the Secretary of State will have to make it good by special recruitment and on terms which will ensure the supply. The minimum British element for the civil medical requirements of India having been provided in one or other of these ways, the remaining officers of the Civil Medical Service will consist of those successful in the examinations to be held in England and in India, the number of vacancies being determined by the Local Governments concerned, who, subject to the reservations outlined above, will control their Civil Medical Services and are at liberty to allot such posts as they think proper to officers of the Civil Assistant Surgeon class.

23. The scheme is thus calculated to meet the various demands that have been made, but its chances of success depend, so far as the British element is concerned, entirely upon the attractions of Indian Service for young British medical men. With the many safeguards that will exist for the security of career once the supply of medical men in England is again normal, service in India should regain its old attractions as affording scope to the specialist and the research worker, British or Indian. The reservations made doubtless invade to some extent the liberty of the transferred field, but these reservations are limited to what is strictly

necessary. Medical service in India is peculiarly Western, and requires for its maintenance continuous touch with Great Britain, for, while there are no special Indian systems of engineering, forestry or scientific agriculture, there are very ancient systems of medicine which attract large numbers of adherents and practitioners, and, in the sphere of medicine as distinct from surgery, compete with Western medical science.

24. I would wish to add some observations regarding the Indian Medical Department. I have seen a great deal of the work done by officers of this Department, and I can only express the hope that this valuable supply will not be neglected by Local Governments. This Department affords a very useful avenue of employment for the domiciled community, and has supplied in the past many capable District Medical Officers who, to my own knowledge, have won the confidence of all classes of the community and all races.

25. As regards the complaints of the private medical practitioner, there is plenty of room for all; but in a country like India it would be quite impossible to abandon the public medical services and depend upon private practitioners for carrying on district medical charges, superintending jails, and taking charge of hospitals maintained wholly or mainly from public funds. Men of this class will be able to quote British precedents with more justice when large hospitals and medical schools and colleges have been organised by themselves and they have been able to enlist the benefactions of the rich among their fellow countrymen for the support of such institutions supplementary to Government efforts. Only very small beginnings have been made in that direction in India, and even these lean largely upon Government grants. In the meantime the door is not shut against eminent Indian medical men outside Government service, who may be appointed as honorary surgeons or physicians in large hospitals, and will be eligible amongst others for appointment to scientific chairs in medical colleges.

26. The remaining questions on which I have ventured to record notes supplementary to the Report are the special circumstances of Burma and a scheme for the emoluments of the Services. These notes are contained in separate appendices.

(*Signed*)

REGINALD CRADDOCK.

Dated 30*th April*,
1924.

MINUTE BY SIR REGINALD CRADDOCK ON THE APPLICATION OF THE ROYAL COMMISSION'S PROPOSALS TO BURMA.

The short time at its disposal rendered it impossible for the Royal Commission to visit Burma, and although some official and non-official witnesses from Burma were heard in Calcutta, yet it was inevitable that the same local touch could not be established as was the case in Provinces in which the Commission were able to spend several days, and thus to absorb local colour and sentiment as distinct from the more formal evidence given by witnesses.

As I am the only Member of the Commission who, as the result of my five years' office as Lieutenant-Governor of Burma (which terminated less than one and a half years ago), am acquainted with Burma, I have thought it proper to supplement the observations contained in the Report with my own personal knowledge of the Province and its people.

2. I concur entirely in the general conclusion of the Report that, so far as the application of principles is concerned, there is no case for differentiating Burma from India. We may, and should, aim at the same results and the same processes. No other conclusion would be acceptable to articulate Burmese opinion. There is an intense national pride in Burma, and a recommendation which carried with it even a suggestion that an educated Burman would not hold his own with an educated Indian would provoke hostile feelings not entirely confined to political circles. It was the same with the Constitutional Reforms. The Burmese would not rest content with any scheme which, in their view, fell short of the scheme granted to India, and that not so much because of the intrinsic merits or demerits of this scheme or that one, but because anything less than that granted to Indian Provinces suggested that the Burmese were less fitted than the Indians for political progress. They can point to many characteristics and circumstances which make Burma as a country more favourable soil for the growth of democratic institutions than a huge subcontinent like India with its 306,000,000 of people and divers races and creeds. Indeed, there is not in India any race or creed possessing anything like the predominance over other races and creeds that in Burma is enjoyed by the Burmese professing the Buddhist faith. While the Burmese resent any comparison with India that suggests inferiority, they themselves are the first to dwell upon difference of character, mentality and genius which distinguish them from the representatives of the Indian races with whom they have come into contact in Burma. The absence of all caste and of a landed aristocracy also tells in favour of democratic institutions in Burma.

It is not necessary to balance the differences in character which mark the people of Burma as quite distinct from the Indian races; but, on the other hand, while on a quality basis the same principles and processes are applicable the quantity test must of necessity vary. All the proposals of the Report in connection with the Indianisation of the Services are entirely dependent upon a sufficient supply of qualified Indians being available, and the same limitation must accompany the application to Burma of the reorganisation of the Services there.

3. It is in this latter respect that Burma presents some special features. Secondary and University education have been, as compared with the rest of India, in so backward a state that the number of graduates in Burma has, until quite recently, been very small. Until 1920, when the Rangoon University was created, the two colleges in Rangoon were the only colleges in Burma and were affiliated to the

Calcutta University, and those few Burmans who sought education outside Burma almost invariably preferred to go to England to British Universities in preference to enrolling themselves in Indian colleges. Indeed, the number of Burman graduates of the Calcutta University up to the year 1920 only totalled some 400 from the date of the establishment of colleges in Burma. With the creation of their own University the prospects of higher education in Burma have much brightened, and simultaneously efforts have been concentrated on the improvement of English education in the schools as well as on increasing their number. There is no doubt that for the size of the Province these high schools are insufficient in numbers, and in many cases deficient in standard.

4. In respect of technical and professional education Burma is still more backward. It has had an engineering school, but one only capable of turning out subordinates for the Public Works Department. It has had an excellent forest school which provided trained men but again only for the subordinate forest service, and it has had a medical school in Rangoon which was, however, mainly attended by Anglo-Indians, Anglo-Burmans and Indians domiciled in Burma, though of recent years efforts to induce more Burmese to enter the medical profession have met with greater success. It was only in the subordinate forest service that the Burmese element largely predominated. In the other technical services there was merely a sprinkling of Burmese who had attended institutions like the engineering colleges of Roorkee and Sibpur and medical institutions at Calcutta.

The Agricultural College at Mandalay will only be opened this year, but during the last few years Burmans have been sent with State scholarships to the Agricultural College at Poona, and a few Burmans have also been sent for technical training in England as Government scholars.

5. The two Services in which the non-European element is almost entirely Burman are the Provincial Civil Service, to which Indians were not admitted unless long domiciled in Burma, and the subordinate Forest Service. In the Public Works Department and the Medical Department there were a fair number of Burmese subordinates. Efforts are now being made to establish higher forest courses as a branch of the Rangoon University and similar University courses in medicine and engineering, but some time must elapse before these new departments in higher professional education turn out a sufficient supply of qualified men to meet all local needs. It follows from these remarks that, with the exception of the Provincial Civil Service, the number of Burmans in the higher Services are at present extremely few, and I proceed to give an analysis of their numbers as ascertained from the latest Burma Civil List.

6. The distribution of races in the Services in Burma on 1st January, 1924, was as follows :—

(1) *Burma Commission.*—The Burma Commission has 142 officers on the executive side, and 26 officers on the judicial side, or a total of 168. There are, in addition, 8 temporary and officiating posts, making 176 in all. Of these, 6 permanent posts are held by officers of the Provincial Service and 5 judicial posts to which appointments have been made direct from the Bar. Of the temporary and officiating posts, 6 are held by members of the Provincial Service and 2 by members of the Bar. There are only 2 Indians in the I.C.S. in Burma ; one is retiring on a proportionate pension and the other is a Judge. In the I.C.S. proper there are only 4 Burmans, dating from 1922, and they have passed no competitive examination at all. Counting all the posts, permanent and temporary, held by members of the Provincial Service and the Bar, the total number of Burmans is 16 out of 176, and of the remaining 160, 2 are Indians, the rest being all British officers, of whom 21 are military officers of the Commission.

(2) *Burma Frontier Service.*—In the newly constituted Burma Frontier Service, which is outside the jurisdiction of the Legislative Council altogether, and deals with tracts entirely excluded from the Reform Scheme, and administered by the Governor himself, there are at present 36 officers. Two only are Burmans, holding Treasury charges. Burmans strongly dislike work which entails great isolation among non-Burman populations. The remaining 34 officers are all British.

(3) *Provincial and Subordinate Civil Services.*—In the Provincial Civil Service, of a total of 141 officers 30 are British or Anglo-Indians, and in the Judicial Provincial Service there are 6 Anglo-Burmese. All the rest are Burmese. Even in the subordinate Civil Service there still remain 4 Anglo-Burmese.

(4) *Indian Police Service.*—There are, in all, 91 officers of the Indian Police Service in Burma. Among these there are 2 Burmans who hold substantive appointments as Superintendents of Police, and there are 3 more senior Burman officers who were officiating in these appointments. On the 1st January last there were also 2 more Burmans junior in the Service who were officiating in district charges. Altogether out of the 91 officers in the Indian Police Service in Burma, there are only 7 Burmans, 5 of whom are only holding officiating appointments as district superintendents.

(5) *Provincial Police Service.*—In the Provincial Police Service there are 43 permanent and 5 temporary Deputy Superintendents, of whom 26 and 3 respectively are Burmans. There are 2 Indians and all the rest are Europeans and Anglo-Indians or Anglo-Burmese. There are also 10 officiating Deputy Superintendents, of whom 6 are Burmans and 1 is an Indian.

(6) *Indian Agricultural Service.*—The officers of the Indian Agricultural Service in Burma are, with one exception, newly recruited officers from England. There are only two vacancies still to be filled, and some time must elapse before qualified Burmans will be found who are fitted to fill them. This is clear from an examination of the present Provincial Agricultural Service. The sanctioned cadre for this Service of Assistant Directors is 19, but only 4 of these vacancies have been filled up to the present, while there are 2 Indians outside the cadre on three years' contracts, one of these being employed as a research assistant in chemistry and the other as a lecturer in botany. These two Indians will, apparently, if they prove themselves capable, be appointed to the cadre of Assistant Directors in the absence of any qualified Burmese candidates.

(7) *Indian Veterinary Service.*—So far as this Service is concerned 6 appointments have been made to a cadre of 9 in the Provincial Agricultural Service. One of these officers is at present officiating temporarily in the Indian Veterinary Service. The 2 more senior men in the Provincial Veterinary Service are both Indians.

(8) *Indian Forest Service.*—The whole strength of the Service in Burma is 1 Chief Conservator of Forests, 9 Conservators and 109 Deputy and Assistant Conservators. Out of these 119 officers there are only 2 Burmans to be found, and they were recently promoted from the Provincial Service. This strength includes 8 forest engineers and there are some timber experts and assistants, all of whom were trained either in America or by European firms in Burma itself. For this latter class of work there are no Indians or Burmans at present available.

(9) *Provincial Forest Service.*—Apart from the Provincial Services, there are 4 Extra-Deputy Conservators of the old cadre. All of these belong to the domiciled community. In the Provincial Forest Service, known as the Burma Forest Service, the sanctioned cadre is 109, but there are only 69 officers at present appointed, of whom 23 are Burmans, or one-third of the total. Of these 23 all but 3 or 4 have been appointed since 1921, so that even in the Provincial Forest Service the entry of Burmans is quite

a recent departure. There is one Anglo-Burman, calling himself by an Indian name, in this Service.

(10) *Indian Educational Service.*—In this Service the whole cadre should be 37 officers, but 7 posts are vacant, and there are only 30 officers actually serving. Of these 30, 2 are Indians and 2 only are Burmans, the rest being Europeans.

(11) *Burma Educational Service.*—In the Burma Educational Service proper there are 41 posts. These are held by 2 Chinamen, 11 Indians and 12 Burmans, the rest being Anglo-Indians. Five Burmans are, however, officiating.

In the 28 Government High Schools, 6 headmasterships are held by Burmans and 2 by Indians, the remainder being held by Europeans and Anglo-Indians. Among the Professors and Lecturers of University College, Rangoon (the only Government College in Burma), out of a total of 37 there are 9 Indians and only 5 Burmans, and the Burmans have not yet progressed beyond the stage of Assistant Lecturers. The remaining 23 appointments are all held by British officers.

(12) *Indian Service of Engineers.*—There are altogether in the I.S.E. in Burma 86 officers, of whom 8 are Indians and 5 are Burmans. All these Indians and Burmans are still in the rank of Assistant Executive Engineers, although 2 or 3 of them occasionally officiate as Executive Engineers. There are 7 officers in the Sanitary Engineering branch, and among the Assistant Sanitary Engineers quite recently appointed are 1 Indian and 1 Burman. There are 45 temporary engineers in addition, of whom 12 are Indians and only 1 is a Burman.

(13) *Burma Engineering Service.*—Turning now to the Burma Engineering Service, the full strength ought to be 100, but up to January only 54 had been procurable. Of these 54, 34 were Indians and only 5 were Burmans.

There are still, survivors of the old upper subordinate service in a little class by themselves, 11 sub-engineers who are qualified as engineers. Of these 11, 5 are Indians and only 1 is a Burman.

Taking all these officers, they come to 203 in all, of whom 60 are Indians and only 13 are Burmans.

To take the Irrigation Branch only in the I.S.E., there are 3 Burmans and 7 Indians out of 23 officers in the Provincial or Burma Engineering Service. Of the 13 officers on the Irrigation side, 7 are Indians and 2 Burmans. Among the temporary engineers numbering 12, 5 are Indians and there are Burmans.

(14) *Medical Department.*—The total strength of the I.M.S. in Burma is 34, which includes 2 Indians and 1 Burman. There are 4 special appointments in connection with hospitals set apart for private practitioners, and 3 of these are held by Burmans, the fourth being a European. There are 4 special medical appointments called permanent civil surgeons, the survivors of a larger number. These 4 posts are now occupied by Indians, all the European members of this small local Service having retired. There are 58 civil and military assistant surgeons holding special charges. Of these 26 are Indians and 10 are Burmans. In the Port Health Dept. there are 4 officers, of whom 2 are Indians. Out of the 104 medical officers, therefore, 34 are Indians and only 14 are Burmans. The Civil List does not contain the sub-assistant surgeons, of whom there are over 200 in Burma, but the larger proportion of these appointments is held by Indians, for, as already stated, it is only in recent years that it has been possible to induce Burmans to enter the Rangoon Medical School.

(15) *Central Services.*—In the Central Services there are very few Burmans indeed, the reason being that men entering the Central Services, such as Customs, Posts and Telegraph, are liable to serve anywhere in India, and as Burmans are never anxious to serve in India they have no ambition to enter the Central Services in any numbers. In the Accounts Department there have been, however, 2 Burmans, who entered that Service many years ago, and, it may be added, distinguished themselves in it.

Generally, it may be said that the Burman is not over fond of routine work. In the districts the clerks are mainly Burmans, with some domiciled Europeans, Anglo-Indians and Anglo-Burmese, but at the Central Offices in Rangoon, such as the Secretariat, the Offices of the Accountant-General and of other heads of Departments Indian clerks largely preponderate. Local Post Offices are largely manned by Indian Sub-Postmasters, with European Postmasters in the larger places. There is a large Indian personnel in the Railways, but although great efforts have been made of late years to induce more Burmans to enter these offices and departments the success has not been very great.

7. It will be clear from the above analysis that as regards the progressive association of Burmans in the higher Services, however great may be our desire to fill them with Burmans up to the appointed ratio, the practical difficulty of finding qualified men will for a considerable time make it exceedingly difficult for this ratio to be reached. In the Indian Civil Service there might not be, perhaps, the same difficulty, for the Provincial and Subordinate Civil Services have been for many years past, since the annexation of Upper Burma, the almost close preserve of Burmans, the few educated men who were turned out at the schools and colleges having found no difficulty in obtaining appointments in the Subordinate Civil Service, from which they were able to rise to the Provincial Civil Service. But for some time to come the officers at the top of the Provincial Civil Service will be officers who have not the educational qualifications of the younger men. A great many of them do not know English at all; and many more had only reached standards like the fifth, sixth and seventh before they left school. Of the younger men there is now a considerable majority of graduates, and as the older men retire their place will be taken by successors with better education, though perhaps with not more practical ability than the older men, many of whom, I am glad to say, do work which will hold its own with the work done by the senior officers in the various Provincial Civil Services in India. I do not anticipate, therefore, that there will be much difficulty in supplying the quota of officers to hold superior charges from the ranks of the Provincial Services. But with the I.C.S. the case is somewhat different. It was only in 1923 that the first Burman succeeded in winning a place in the London examination; he has not yet joined his appointment in Burma. But as stated in the analysis above the only four Burmans entitled to write I.C.S. after their name were appointed by nomination. It is difficult to say to what extent Burmans will in future enter for the Allahabad examination for the I.C.S., even if that examination is held in compartments by Provinces, a scheme which has much to commend it and which is, indeed, essential in the case of Burma. It might be difficult to find qualified candidates since before a candidate can be selected in the Allahabad examination he must at least obtain qualifying marks. The number of Burmans who may hope to succeed in London in future is also somewhat problematical, for although Burmans are by no means lacking in capacity they are not so good in the examination room as the best candidates from Bengal, Madras and Bombay.

As the schools improve, the grounding in English is better, and the Rangoon University has time to develop its various courses, the supply of qualified Burmans will certainly increase; but in the meantime, in order to preserve the ratio fixed for India, the examination test may break down. At least this is a possibility which must be faced.

8. It so happens that a competitive test in Burma is a far better test for the public service than it is in India, for in India we have constantly to take precautions lest the more nimble witted candidates from the South should succeed in excluding candidates from the North. We have to provide, if possible, for a reasonable ratio in the service of Mahomedans, whose education, as a community, is more backward than that of Hindus.

We have to see that the landed gentry and martial races find some representatives in the Services. But in Burma there is no need for such differentiation in order to secure definite representation of the various classes. The Burmese student is not so fond of hard work as the Indian student, who frequently overworks himself, a complaint which is not common in Burma. The result is that the examination test in Burma is more calculated to bring to the front the boys who have the most grit and perseverance as well as those most gifted with brains. It would, therefore, be a great pity if the required ratio of Burmans in the I.C.S. had to be obtained by the process of nomination for want of successful candidates in the competitions in London and Allahabad. It is almost certain that such nominated candidates would have to be obtained from the ranks of the Provincial Civil Service, and it would certainly be a great temptation to Burmese students, and to their parents, not to incur the risks and expense of an education in England if the same prizes could be won by a much cheaper education in Burma and as the result of nomination.

9. Similar difficulties will result in the case of the Indian Police, but in that Service it is a matter of less moment whether candidates are procured by the road of examination or by the road of promotion from the Provincial Police Service. In fact, if examination tests fail to secure candidates for the Indian Police Service in Burma there is but slight objection to all the candidates for the Services being obtained from the ranks of Deputy Superintendents who added to a reasonable education the qualification of having discharged their duties well in that capacity.

10. In the case of the professional and technical services, the difficulties are very much greater. One may stretch a point when appointing young men to the Provincial Civil Services, or even to the I.C.S., if they have secured good degrees at the University, but one cannot appoint Burmans, or members of any other race, to be engineers, forest officers or doctors if they have not passed all the necessary professional tests after a thoroughly reliable training. As I have stated above in this note, every effort has been, and is being, made to equip Burma with institutions of its own where such professional training will be available, for it is useless to disguise the fact that the engineering, forest, and medical colleges in India do not attract the Burmese student. If he has to leave Burma at all for his education, both his parents and himself generally have their eye upon a training in Europe or America, and naturally this source of qualified Burmans is limited by the fact that not many Burmese parents are prepared to go to the great expense involved of sending their sons to Europe for a long course of training in these various professions.

11. A somewhat delicate question arises in connection with the manner in which the Burmese ratio in the Civil Services should be filled up in the event of qualified Burmans not being available in sufficient numbers. Indians find it difficult to realise that the Burmese themselves are averse from having these vacancies filled up by Indians. It is quite certain that if by a difference in the course of history Burma had been included in the British Empire before India, and that if a large number of Burmans became qualified in Western education in advance of Indians, the Indians would not have liked to have their country flooded by educated Burmans, and the converse is the case with Burma at the present time.

It is quite true that at the time of the annexation of Upper Burma, 1st January, 1887, when a large influx of British officers of all Services became an obvious necessity, the qualified subordinates in all these Services were only procurable from India, and there were numbers of Indians anxious and willing to take up these appointments. At that time the attitude of the Burmese people was one of some indifference. They had no particular desire for English education, they regarded government as one of the five necessary evils, with which the less you had to do the better, and they accepted its decrees and orders with resignation. As there were no Burmans with the necessary qualifications for all these professional and technical services, and

as Indians were imported to fill these posts, the Burmese were too indifferent to raise any objection. But of late years there has been such a rapid awakening in Burma in political circles, and even outside them, that the cry of Burma for the Burmese has penetrated even into the villages. Associations have sprung up all over the country for the stimulation of national aspirations, and these aspirations were greatly fostered by British officers themselves during the war when recruitment for newly formed Burmese regiments was carried on with great vigour and enthusiasm.

The cry of Burma for the Burmese has therefore come to stay, and although certain Burmese politicians may not be anxious for the moment to offend Indian politicians in Burma who have been assisting them in voicing their national aspirations, yet, at the same time, no one who knows the country can possibly affirm truthfully that an influx of Indians to fill Burman vacancies in the Services would be generally welcomed by the people of Burma. So far as the Services working in the reserved field are concerned, the Secretary of State will naturally be charged with filling the vacancies in these Services by British or Burmese candidates, according as he may find possible, but in the case of the Services working in the transferred field it will be left to the Local Government, in this case the Governor acting with his Ministers, to fill the Services with suitable qualified candidates. But so far as the Indian Civil Service is concerned, the few Indians who were appointed in the past have either succeeded in obtaining a transfer back to India, or, if they remained, have never ceased to make efforts to obtain such a transfer, and, as already stated, there is only one of these now in the Burma Commission, so that, even under old conditions, the Government of India had accepted the Burma Government's representation that Indians should not in future be posted to the I.C.S. in Burma.

12. Greater difficulty will be felt in the engineering, forest and medical departments, but it is left to the Local Government to decide on the composition of these Services. A few years ago, when the question was discussed whether the Indian Forest Service should be trained in Europe or at Dehra Dun, the Burma Government expressed a preference for training in Europe, even if the rest of India preferred the Dehra Dun education. It was contended, and the contention, I think, holds good to this day, that the unpopularity of Dehra Dun with Burmans would militate against the supply of qualified Burmese candidates who would be more likely forthcoming if the training were conducted in Europe. It seems most probable that the Burma Government, with whom the decision will lie, will prefer to obtain its forest officers through the Secretary of State, even though they may be working in a transferred department. The forests of Burma cover an area of 100,000 square miles, an area larger than that of Great Britain, Bengal, or Bihar and Orissa. Up to the present only 20,000 square miles are reserved forests, but there are a great many unclassed forests, which will have to be reserved both in the interests of the Provincial revenue and for the benefit of the agricultural population.

Moreover, the forests in Burma are a magnificent asset to the country. The revenue is already 2¼ crores per annum, and as time goes on may be expected to attain to double that amount. There are numerous valuable timbers which have still to be exploited, in addition to the large production of teak for which Burma is famous.

Under existing orders the percentage of direct recruitment of Burmans for the Indian Forest Service has been fixed at 25 for the period of 5 years from 1921, and in addition recruitment by promotion from the Provincial Forest Service into the All-India Service has been fixed at 12½ per cent. of the posts in the All-India Services. In Provinces where forests are still a reserved subject the British proportion in the proposals of the Report has been reduced to 25, provided always that the necessary Indian candidates are forthcoming. It will be, however, obviously impossible for the present to find sufficient Burmans for the 75 per cent. ratio, especially when it is remembered that up to the present they have shown no

enthusiasm for service in forests. The Burman who lives in the districts, and among or in the neighbourhood of the forests, makes an excellent forester, but the Burman who can pass the necessary educational tests does not generally care for the isolation and hardship of a forest officer's life.

The recent higher forest courses in Rangoon have been well filled, and surplus candidates could not be admitted, but it is by no means certain that all those who have put their names down for these courses and entered for them will persevere in their effort to a later stage. At any rate, the decision is left with the Government of Burma to obtain its qualified forest officers in the best way that it can, and the road is open to them if they so prefer it to obtain for their forest service the same class of candidate and by the same methods as Local Governments will employ in Provinces where forests are still reserved.

13. In the case of the Medical Department, the Government of Burma will, under the proposals of the Report indent for the prescribed number of officers from the R.A.M.C. (India), and it will have to decide how, having obtained the necessary number of British Officers, it is to find the rest. It will have the option of continuing to employ officers of the Indian Medical Department, viz., military assistant surgeons of whom it is already employing some 19 officers, seven in charge of districts as civil surgeons.

The same liberty will be accorded to the Local Government in respect of the other services working in the transferred field and it will be open to the Governor and his Ministers to recruit Indians with scientific attainments when no Burmans are forthcoming; or they may, if they prefer it, recruit British officers to fill vacancies in the same way as they have always been obtained through the Secretary of State, or by direct recruitment if they can secure competent recruits in that way.

(Signed)

REGINALD CRADDOCK.

Dated 30th April,
1924.

MINUTE BY SIR REGINALD CRADDOCK ON THE EMOLUMENTS OF THE SUPERIOR CIVIL SERVICES IN INDIA.

I have accepted, though with some reluctance, the scheme of improved emoluments for the All-India Services which is explained in the Report, for I recognise the great value of agreed proposals and the better chance of speedy acceptance by the various authorities concerned of recommendations which have the force of unanimity behind them. I recognise also that the scheme in the Report does afford a substantial measure of relief to the Services in respect of passages, remittances, pensions and in some other particulars, all of which, taken together, will lighten them of some of the heavy expenditure that now falls upon them owing to the changed conditions both in India and in England.

2. But my colleagues, Indian and British alike, have approved the proposal that I should include in an Appendix to the Report an explanation of the scheme which I laid before them, in case at a later period, if Indian finances improve, and savings due to increased Indianisation begin to accrue, some further amelioration of the emoluments of Englishmen serving in India may be found practicable. I accordingly submit my scheme for what it may be worth with such explanation as is necessary

3. Immense pains were taken by Local Governments, the Government of India and the Secretary of State in devising the time-scales for the various Services which were announced during the years 1919–21. But owing to the facts that the process of revision began in 1917 before the rise in prices that was taking place in India could be properly appraised, that the Services were in the first instance dealt with one by one, that in 1920–21 the enormous rise in exchange took place which upset all calculations, that the principle of overseas pay was adopted after some time-scales had been announced, and that the amount of it was the subject of much debate, while the new idea of technical pay in the case of engineers trained in England was superimposed at a comparatively late date, it was inevitable that a great deal of tinkering and patching had to be employed, with the result that a comparison of the present time-scales of various Services shows irritating differences, and, indeed, a number of anomalies, between the different Services for which there is no explanation of substance. It is really impossible to justify annual increments of only Rs.25 per mensem in the case of the Police as compared with increments of Rs.50 in other Services. Indeed, the rate of annual increment in the Police is smaller in many instances than in some of the Provincial Services. It is impossible to justify a system under which such sister services as the Indian Service of Engineers and the Indian Forest Service chase each other up the time-scale, now one and now the other forging ahead. It is impossible also to hold that the Indian Agricultural Service should be Rs.50 behind the Indian Educational Service. If really good men are to be attracted and maintained in contentment in any of these Services, they must be men with a good general education and of high character who have specialised in some particular branch of knowledge. There might be possible differences in market value in England between this or that profession according to the fluctuating supply and demand of the moment; but when once men so educated have been brought out for a life career in India, there is nothing in their style of living and their home expenditure, nor, indeed, in their relative usefulness to the country which can be weighed exactly by differences of Rs.25, Rs.50 or even Rs.100 a month. Nor can it be alleged

that the prizes available to one Departmental Service can be on a much lesser scale than those available to another. In this matter exact similarity is not always attained; but marked differences should be avoided. There also does not appear to be any sound justification for having many different Service periods at which overseas pay rises, and these differences have obviously been caused by difficulties in adjusting basic and total pay rather than by inherent differences.

The standard of pay which I put forward in my scheme for all the Departmental Services is drawn up with due reference to the various points noticed above.

4. The principle has been universally accepted that the Indian Civil Service as a premier service, namely, the one that has to discharge the widest responsibilities of all, should be paid on a higher scale than the other Services, all of which are responsible only for the single department which is in their charge. But, if the Indian Civil Service, and in some respects the Indian Medical Service, be excluded, there is no solid reason why one Service should be paid any higher or any lower than the others. The Police have been paid at a lower scale than the rest for many years, though this was not so marked some 40 years ago; but, as young British recruits come out at the school leaving age and have not had to go through an expensive University or technical or professional education, the lower rate of remuneration was thought to be justified. It is quite proper that boys of 20, who come out to learn their work in India, should not be paid quite so highly as young men who start at ages from 23 to 25, after an expensive course of training. But once these boys in the Police have reached the age of the young men of the other Services, there is no further reason for keeping up the differentiation. Even if their education, general or professional, is not comparable to that of their brother officers in the other Services, the responsibilities that they have to discharge, the unpopularity which is their lot, the risks and dangers that they have to face, may surely be taken as counter-balancing a cheaper initial education. There are officers in the ranks of the Police who can hold their own with any officers in India, and it is now more than ever essential that the Indian Police Service should contain the best material, British and Indian, and that it should be of the same class that enters the Army. If it is once conceded that the Police should be paid on the same scale as other Departmental Services, then this is an additional argument for paying these Services the same. I will now set out my scheme.

(A) *Basic Pay.*

5. During the three first years of the young Police officer's service, the basic pay is slightly increased so as to make it more attractive to the young Indian candidate. It is at present scarcely more attractive than many Provincial Services. On the other hand the overseas pay is retained at Rs.125 for three years and is, I think, sufficient for boys of ages 20 to 23.

6. Except for this single deviation, the basic pay for all the Services other than the Indian Civil Service and the Indian Medical Service (which Services are separately considered), starts in the 4th year of the Police and the 1st year of the other Services, at Rs.400 and rises to Rs.1,400 in the 26th year of the Police and the 23rd year of the other Services. The increments are mostly Rs.50 per mensem a year, with occasional pauses of one year. The maximum basic pay on the junior scale is Rs.950, attained in the 15th year (Police 18th), though, of course, it is extremely improbable that any officer, unless inefficient, will be so long on the junior scale. The difference between the junior and senior scale is calculated to give an officer officiating in a superior post an increase of Rs.150 over the pay of the junior scale. The technical pay in the Public Works Department is generally absorbed into the basic pay.

(B) *Overseas Pay.*

7. As regards overseas pay (again excepting the first three years of the Police) the rates which I have proposed are the same for all Services, including both the Indian Medical Service and the Indian Civil Service. It is impossible to give an absolutely exact age scale, but the approximate average age of each Service (Police excepted) is assumed at 24 for the 1st year's service (Police 4th year's service), and on that basis it is not likely to be out by more than a year either way, and the rates of overseas pay are adjusted as follows.

Under 30, *first six years of service* (*Police 4th–9th*), *Rs.*150.

It is reckoned that an officer will be married about 29 or 30, and *in the 7th year* (*Police 10th*) *the overseas pay rises to Rs.*250.

At an approximate average age of 34, the 11th year of service (Police 14th) when a small family may be expected, *the overseas pay is raised to Rs.*300.

At an approximate average age of 40, 17th year of service (Police 20th) when the children have to be educated in England, the last rise of overseas pay up to Rs.350 takes place.

8. After full reflection I do not find it desirable to reduce Indian basic pay; if any All-India Services are closed to future entrants, and the work of the department transferred is carried out by Provincial Services, the Ministers concerned will doubtless fix the rates of pay. But so long as any Services are maintained as All-India Services, the basic pay must be decidedly higher than the normal rates of Provincial Services, and the discrepancy between the Indian and British official's pay in rupees must not be too large.

The maximum of Rs.250 overseas pay hitherto sanctioned was on a very low scale as compared with the heavy expenditure entailed by home charges, but I have not seen my way to propose a rise above Rs.350. This will, however, be accompanied by certain exchange benefits which I will proceed to describe.

(C) *Sterling Remittance Benefits.*

9. I have been, like many others, a consistent opponent of any differentiation between bachelors and married men; but the logic of events has compelled me to change my mind. There is a very general impression that the pay in the Services is fairly adequate for bachelors except in some of the lower paid Services; but there is abundant evidence that the married officers, especially those with children to be educated, are often in a state of penury. A Police officer, for example, aged 40, having a wife in England and two children to educate, would be receiving Rs.1,300 a month. His wife and children in England will cost him £600 a year at a very moderate computation. He will have to remit Rs.750 a month, leaving himself Rs.550 to live on. By the time that he has paid income tax, provident fund deductions and an insurance premium, he will have less to live on in India than the latest joined recruit of 21 years of age. There are hundreds of cases in the Services like this, and the home charges are often larger than the £600 mentioned. It is obvious, therefore, that if an attempt is to be made to give really substantial benefits to the married officer which the bachelor is to share in, the bachelor will be overpaid and the State will be put to needless expense. My scheme therefore provides for overseas pay to be paid in sterling, or remitted, at 2s. to the rupee only in the case of married officers, and not in the case of bachelors or childless widowers. If an officer in the early years of his Service has a wife and family in India, he can derive the benefit of remitting his sterling overseas pay back to India at current rates if he chooses; but I cannot see any case for a bachelor being allowed to speculate in exchange at the cost of the State, and I consider that the rupee pay including overseas pay should amply suffice for the bachelor officer.

10. I have, however, a further concession to suggest which should be limited to officers actually having a child or children to educate in Europe, namely, that he should be allowed to remit at 2*s.* to the rupee out of his ordinary pay a sum equivalent to half his overseas pay. The reasons for this proposal are :—

(1) To avoid making too great a difference between Indian basic pay and the total pay drawn by British officers the maximum of overseas pay proposed by me is Rs.350 which converted at 2*s.* to the rupee is still not adequate to meet the heavy expenses of a young family at school or college in England.

(2) That in the interests of the State any extra relief granted should be rigidly restricted to the actual cases where need is felt.

(3) That it is most desirable that the State should do nothing to discourage either the bringing into existence of small families or the proper education of the children, for under present circumstances so many families are content with having one child only, that the class which have supplied officers to the Army and to the Civil Services in India is likely to diminish and with them all the traditional hereditary connections with India which have been so valuable in the past. It is very necessary that officers in the Indian Services should not be any longer in the position of discouraging their sons from entering on an Indian career.

To make clear the improvement in emoluments which this scheme of remittances of Rs.10 to the pound confers, I put down certain figures :—

Overseas pay, Rs.150	at 1*s.* 4*d.*	=	£120	a year.
	,, 2*s.*	=	£180	,,
	Benefit	=	£60	,,
,, ,, Rs.250	at 1*s.* 4*d.*	=	£200	,,
	,, 2*s.*	=	£300	,,
	Benefit	=	£100	,,
,, ,, Rs.300	at 1*s.* 4*d.*	=	£240	,,
	,, 2*s.*	=	£360	,,
	Benefit	=	£120	,,
,, ,, Rs.350	at 1*s.* 4*d.*	=	£280	,,
	,, 2*s.*	=	£420	,,
	Benefit	=	£140	,,

All married officers would enjoy these benefits over and above the rupee pay, at the following approximate average ages :—

Ages below 30	£60	per annum
,, 30 to 33	£100	,,
,, 34 to 39	£120	,,
,, 40 and over	£140	,,

These are equivalent to a further increase of rupee overseas pay if exchange were at 1*s.* 4*d.* of Rs.75, Rs.125, Rs.150 and Rs.175 per mensem respectively.

The additional benefits recommended for officers having a child or children in Europe would be half these amounts in addition, making a total benefit of £150, £180 and £210 when the overseas pay is Rs.250, Rs.300 and Rs.350 respectively (there are not likely to be officers below 30 having children being educated in England. If a stray case should occur the total benefit will be £90). An officer on Rs.1,300 at age 35, having two children being educated in England costing him £480 a year, would now be remitting Rs.600 a month, leaving himself only Rs.700 to maintain himself and his wife in India. He would, under this scheme, be drawing overseas pay of Rs.300 instead of Rs.250 at present, and he would be entitled to remit Rs.450 at 2*s.* to the rupee. He would thus only require to remit Rs.4,800 a year or Rs.400 a month instead of Rs.600, and he would be entitled to remit another Rs.50 a month; worth £60 a year instead of £40. At the age

of 40 his pay would be Rs.1,500, and he could remit Rs.525 at 2*s.*, producing £52 10*s.* 0*d.* a month or £630 a year, leaving himself over Rs.900 a month to live on in India.

11. Apart from the increase of Rs.100 in the overseas pay which is common to all officers, the extra cost to Government would be equivalent to Rs.175, plus Rs.87½ = Rs.262½ per mensem, but that is the maximum liability of the State for any officer, and only when the rupee is at 1*s.* 4*d.* If the rupee rises above this, the State gains by the rise. This maximum liability is only incurred in the case of officers who are 40 years old, and then only if they have children being educated in Europe. All these remittance benefits would appear in the exchange accounts of the High Commissioner. They would fluctuate with the fluctuations of exchange, and vary with the varying circumstances of the officer, so that they could not be shown in rupees on the Civil Lists. I now proceed to comment upon the various Services as affected by my scheme.

Indian Medical Service.

12. This Service has been treated and must continue to be treated by itself, because of its connection with the Army. If, as is recommended in the Report, the Indian Medical Service is replaced for future recruits by officers from a Royal Army Medical Corps (in India), the scale of salaries would naturally be those of the Indian Medical Service. It is necessary that this Service should be attractive, and although private practice continues, it is much less than it used to be, while in the case of prize appointments there is likely to be greater competition in the future.

13. The pay of this Service is distributed by Army rank. A comparison of the pay sanctioned in 1920 with my new scale for purely Civil Departmental Services and with the overseas pay revised as in my scheme, shows that for the first nine years the Indian Medical Service scale is slightly better than the standard, and the same occurs from the twenty-first year onwards when the officer attains the rank of a Lieutenant-Colonel. I think that on the whole it is fair to count the Captain with the junior scale and the Major with the senior scale. The weak point in the present scale seems to me the small addition to pay when an officer is first promoted to Major's rank. If Rs.100 be added to the basic scale of the Major's pay for the first two years, Rs.150 in the third year, nothing in the fourth, and Rs.50 for the next two, and if overseas pay is fixed according to the standard I have proposed, this will, without altering much the general scheme of the basic scale, give required relief in the middle married years and prevent any grievance by comparison with the other Services. It merely means bringing in the rise to Rs.1,100 on the present scale one year earlier. Once an officer has been a Lieutenant-Colonel for three years his pay compares with the selection grades of other Services.

The comparison for these particular years is as follows:—

	Present.			*Proposed.*			
Rank.	*Basic.*	*Over-seas Pay.*	*Total.*	*Basic.*	*Over-seas Pay.*	*Total.*	*Compare standard rate.*
	Rs.	*Rs.*	*Rs.*	*Rs.*	*Rs.*	*Rs.*	*Rs.*
Major, 13th	950	250	1,200	1,050	300	1,350	1,350
,, 14th	950	250	1,200	1,050	300	1,350	1,350
,, 15th	950	250	1,200	1,100	300	1,400	1,400
,, 16th	1,100	250	1,350	1,100	300	1,400	1,400
,, 17th	1,100	250	1,350	1,150	350	1,500	1,500
,, 18th	1,100	250	1,350	1,150	350	1,500	1,500
,, 19th	1,250	250	1,500	1,250	350	1,600	1,550
,, 20th	1,250	250	1,500	1,250	350	1,600	1,600

In effect the Major's basic pay will rise every two years instead of every three. Except for this I propose no other change in the basic pay of the Indian Medical Service.

The subsequent stages will be :—

	Basic.	*Overseas Pay.*	*Total.*
	Rs.	*Rs.*	*Rs.*
Lieutenant-Colonel, 24th	1,600	350	1,950
,, ,, 25th	1,600	350	1,950
,, ,, 26th	1,700	350	2,050
Lieutenant-Colonel on selected list ..	1,850	350	2,200

INDIAN CIVIL SERVICE.

14. The Indian Civil Service has always been paid more highly than the uncovenanted Services so called, but 40 years ago the disparity was much greater than it is at present, and in the revisions of 1919 to 1921 the Indian Civil Service were given much less than the other Services. Owing to the grade system which was then superseded by the time-scale, it is exceedingly difficult to estimate the exact percentage of increase which the time-scale gave, because on the graded system, when there was no marked block, an officer got windfalls by acting two grades higher than his permanent one for short periods. It was thought when the time-scale was introduced that it would raise general pay by about 15 per cent., but later calculations have shown that the increase was actually not more than 8 per cent. Probably 10 per cent. would be an outside estimate. Even now, however, the bachelor in the Indian Civil Service is not at all badly off. His ordinary pay rises on a time-scale from Rs.600 to Rs.2,500, and he has many appointments open to him while he is still on the time-scale carrying allowances of Rs.150 to Rs.250 a month. Of appointments above the time-scale there are also more carrying higher pay than in other Services. Besides Commissioners of Division in all Provinces except Madras (where the time-scale is higher) there are such appointments as Financial Commissionerships, Members of Boards of Revenue, Judicial appointments and numerous appointments under the Government of India and in the Government of India Secretariat. In all the circumstances I feel that, so far as the time-scale is concerned, basic pay does not require much change. But the Service should receive exactly the same benefits in regard to overseas pay and exchange advantages as are accorded to all the Services. The rupee value of these overseas benefits represents not more than 4 per cent. increase on the present time-scale, but the sterling benefits will be substantial in the case of all married officers, and will raise the advantage on the time-scale to about 14 per cent.

15. There are, however, a few slight adjustments in the basic pay that I have to suggest. In the fourth year junior scale I make the total pay Rs.800 a year only. The young officer is beginning to do very valuable work in charge of a sub-division, and under the old graded system he began to act in higher grades of Rs.900 and sometimes even Rs.1,000 at this stage in his service. I therefore propose the following small changes :—

Year.	*Present.*			*Proposed.*		
	Basic.	*Overseas Pay.*	*Total.*	*Basic.*	*Overseas Pay.*	*Total.*
	Rs.	*Rs.*	*Rs.*	*Rs.*	*Rs.*	*Rs.*
4th	600	150	750	650	150	800
5th	650	150	800	650	150	800
6th	700	150	850	750	150	900

In the senior scale, again in the 6th year, I would increase the basic pay by Rs.50, making it Rs.1,100 instead of Rs.1,050, or total pay Rs.1,250 instead of Rs.1,200. This corresponds with the increase in the junior scale in the 6th year. In the 10th and 12th years I get rid of the Rs.75 increase,

and these years will compare as follows, the overseas pay being revised as in my scheme.

Year.	Present. Basic.	Overseas Pay.	Total.	Proposed. Basic.	Overseas Pay.	Total.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
9th	1,200	200	1,400	1,200	250	1,450
10th	1,275	200	1,475	1,300	250	1,550
11th	1,350	200	1,550	1,350	300	1,650
12th	1,425	250	1,675	1,450	300	1,750

Lastly, in the 19th and 20th years, I propose to fix the basic pay at Rs.2,150 which will, with the Rs.350 overseas pay make pay for the 19th, 20th and 21st years an even sum of Rs.2,500.

The comparison will be—

Year.	Present. Basic.	Overseas Pay.	Total.	Proposed. Basic.	Overseas Pay.	Total.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
17th	1,900	250	2,150	1,900	350	2,250
18th	2,000	250	2,250	2,000	350	2,350
19th	2,050	250	2,300	2,150	350	2,500
20th	2,100	250	2,350	2,150	350	2,500
21st	2,150	250	2,400	2,150	350	2,500

A Collector used to jump from Rs.1,800 to Rs.2,250 on the graded system and frequently officiated on the higher pay for quite long periods. In the revision of pay of 1919 to 1920 the addition of overseas pay of Rs.250 raised the Rs.1,800 to Rs.2,050 and the Rs.2,250 to Rs.2,500, but it takes an officer six years to rise from Rs.2,000 to Rs.2,500. Hence I propose a quicker rise with a pause. All these adjustments though helpful to the officer concerned in these particular years only cause the basic pay for the whole period to be increased by 1 per cent.

Result of Application of Proposals.

16. The result of these proposals as affecting the Civil Services is as follows :—

Service.	Increase per cent. Basic Pay. +	Overseas Pay. +	Total. +
I.C.S.	1 per cent.	20·7 per cent.	4·4 per cent.
I.M.S.	2·1 ,,	26·8 ,,	6·6 ,,
I.P.S.	11·5 ,,	19·1 ,,	13·1 ,,
I.S.E.	4·5 ,,	25·5 ,,	8·2 ,,
I.F.S.	7·9 ,,	23 ,,	10·9 ,,
I.E.S.	5·6 ,,	20·5 ,,	8·4 ,,
I.A.S. and I.V.S. ..	12·3 ,,	20·6 ,,	14 ,,

The Indian Civil Service stands alone. The Indian Medical Service is not quite on the same scale because of the complication of military rank. The other Services are all adjusted to a single standard and receive exactly the same pay except (for the first three years) the Police. The Police 4th year counts with the 1st year of the other Services and the percentage in their case is calculated on 26 years as against 23 years in respect of the other Services. All these Services are given in my scheme exactly the same overseas pay at the same approximate ages. In the case of the Indian Medical Service the total of monthly pay during the 23 years is only Rs.450 above the standard, which is due to the small adjustments which I have made in the rank of Major. The calculations take these up to the

completion of three years as Lieutenant-Colonel. The higher pay that they receive after that date may be taken to correspond with the selection grades and lower administrative posts in other Services. The largest rises in basic pay occur in the case of the Police, who are most underpaid, and the Indian Agricultural Service and the Indian Veterinary Service. In the case of these two latter Services they are at present kept a year or so behind the Indian Educational Service for no reason that I have been able to ascertain. One special reason for the increase in the basic pay of these Services as well as the Indian Educational Service, and to some extent the Indian Forest Service, is that they have no separate junior and senior scales, and therefore do not receive the advantage of a rise from the junior to the senior scale which the other Services enjoy. I have provided for this in my scheme in the 9th year on the general assumption that an officer holds a superior post from about that period of his service. There is no special concession to these Services in giving them that jump then, because, as a matter of fact, these officers are holding superior posts even before that date. In the case of the Indian Medical Service the jump occurs when the officer is promoted to the rank of Major.

Improvements in the basic pay in the Indian Police Service, the Indian Agricultural Service, the Indian Veterinary Service, and the Indian Forest Service, are also required to make these Services relatively more attractive to Indians. In the Indian Educational Service this is not necessary, but the rise in the basic pay of that Service will be only 5·6 per cent., and occurs, for the reasons that I have explained, between the 9th and 15th years. The professions which are most popular with young Indians are those connected with law, education, accounts, engineering, and medicine. The first four do not necessarily involve an expensive education in England, but in medicine English training is most expedient. In the case of Forests, Agriculture and Veterinary, British degrees are essential, but there is a great deal of toil and exposure involved in these Services and even if Pusa, Dehra Dun and Muktesar develop further, these Services will still not be so attractive as the others. The Police require no special education, but it is an unpopular Service involving risks and exposure, besides special liability to false charges and consistent abuse.

In the revised scale I have made an endeavour to level up prospects and promotion in all the Services, so that any inherent unwillingness to enter any particular Service may not be accentuated by lower rates of pay, which, in the East, carry a concomitant stigma that one Service is inferior to another in status.

17. In respect of the Services which are to be provincialised if our recommendations are accepted, the scale in the younger years may seem to be theoretical only, but all local Governments may not adopt the same policy at the same time, and it is exceedingly doubtful whether they will obtain British recruits on lower terms than those on which existing British members of these Services were recruited. Even if the difficulty is met by the complete cessation of British recruitment in future, the Central Government may still require some, and in any case such tables must necessarily be complete in themselves. I attach to this minute scales for the Indian Civil Service, the Indian Medical Service and the standard scale for all the other All-India Services ; I have also, to save mistakes, compiled tables for each of these latter which will show at a glance how the pay of each officer will be affected each year if the standard should be at any time adopted.

18. The figures in paragraph 16 show the percentage improvement in rupee pay of all the Services for 23 years (Police 26 years) which bring them from the bottom to the top of the time-scale. This will be enjoyed by everybody—married and bachelors alike. The further percentage improvement which remittances at favourable exchange adds to the

married officer cannot be calculated with equal precision, but if it be assumed that the average officer is married at 30, when his overseas pay rises to Rs.250, and that from the age of 40 his children are being educated in England, the benefits can be calculated with rough approximation. The case of those who married at an earlier period can be set off against those who are married later than the ages mentioned, and against those who have no family being educated in England.

Calculated in this way, from age 30 to age 33 the ordinary exchange benefit will be the equivalent of Rs.125 per mensem; from age 34 to 39 Rs.150 per mensem, and from age 40 to end of the time scale (age 46) Rs.262 8*a*. 0*p*. per mensem. This adds to the monthly pay totals of these years of service

4 years at Rs.125 = Rs.500
6 years at Rs.150 = Rs.900
7 years at Rs.262½ = Rs.1,837½
Total = Rs.3,237½

Now the monthly totals drawn by the various Services at the present time for 23 years (Police 26 years) are as follows :—

Indian Civil Service	Rs.36,350
Indian Police Service	Rs.26,125
Indian Service of Engineers	Rs.25,425
Indian Forest Service	Rs.25,450
Indian Agricultural Service	Rs.24,200
Indian Veterinary Service	
Indian Medical Service	Rs.26,250

The percentage increases which these exchange benefits will give to these Services will be :—

	Per cent.
Indian Civil Service	+ 8·9
Indian Police Service	+ 12·4
Indian Service of Engineers	+ 12·7
Indian Forest Service	+ 13
Indian Educational Service	+ 12·7
Indian Agricultural Service	+ 13·3
Indian Veterinary Service	
Indian Medical Service	+ 12·3

If these percentages are added to those shown in paragraph 16 above, then the total increases in emoluments during the time-scale period under my scheme would be :—

	Percentage.				
	Pay.		*Exchange Benefit.*		
I.C.S.	4·4	+	8·9	=	13·3
I.M.S.	6·6	+	12·3	=	18·9
I.P.S.	13·1	+	12·4	=	25·5
I.S.E.	8·2	+	12·7	=	20·9
I.F.S.	10·9	+	13	=	23·9
I.E.S.	8·4	+	12·7	=	21·1
I.A.S. / I.V.S.	14	+	12·3	=	26·3

19. In order to make it clear that the Police proposals are really favourable by comparison, I show what this increase would be if the first three years were eliminated altogether. Their monthly totals of emoluments from the 4th to the 26th year are Rs.24,700, and their increase in pay during these years amounts to a monthly total of Rs.3,350, or 13½ per cent., and the exchange benefits calculated on this sum are 13·1 per cent., or a total rise of 26·6 per cent.

20. I may add that in calculating the emoluments of the various Services which have a junior and senior scale, I have followed the generally accepted method of adding together the first eight years of the junior scale and the 9th to the 23rd year of the senior scale.

Appointments above the Time-Scale.

21. My British colleagues, with whom I am in agreement, propose to give to the Commissioner as well as to all officers in all departments above the time-scale whose emoluments are not fixed by statute the same advantage as will accrue in respect of sterling exchange benefits to the senior officers on the time-scale. This is the equivalent of their being allowed to remit Rs.400 out of their ordinary pay at 2*s.* to the rupee. It is equal to a rupee equivalent of Rs.200 a month. (Rs.4,800 a year = £480 as compared with £320, a benefit of £160 per annum = Rs.2,400 = Rs.200 a month at the rate of 1*s.* 4*d.*) This proposal, though consonant with the lower degree of relief to which I have assented as a part of the agreed scheme, is naturally not in accord with the enlarged scheme which I have, with their approval, put forward as a desirable one if later on financial conditions should improve sufficiently to warrant a more liberal measure of relief, and all the subsequent observations on the subject of appointments above the time-scale in all the services must be regarded as part of the latter scheme, and not as indicating an intention on my part to resile from my acceptance of the proposal of my British colleagues.

Indian Civil Service.

22. Commissioners receive Rs.3,000 a month. It was a reasonable sum some years ago, but if it is treated as basic pay it is obviously inadequate by comparison with the highest pay and exchange benefits of the senior Collector. That officer will receive, under my scheme, in rupees Rs.2,600 a month, of which, if he is married, he will be able to convert Rs.350 into sterling at 2*s.* to the rupee, a benefit equivalent to Rs.175 a month when the current rate of exchange is 1*s.* 4*d.*, and if he has children being educated in Europe another Rs.87½ a month—on further remittance equal to half his overseas pay. In other words, unless similar benefits are given to the Commissioner, he will draw Rs.3,000 as against Rs.2,862½ a month, representing the total emoluments of the senior married Collector—a paltry addition of Rs.137½ a month, while an Indian brother officer not in receipt of overseas pay would have his pay raised on his appointment to a Commissionership from Rs.2,250 a month to Rs. 3,000, or by Rs.750 a month.

I propose to recognise the special position of the Commissioner by fixing his pay at Rs.3,250, a rate which was, indeed, suggested by the Government of India. I prefer this to the device of a sumptuary allowance which has been recommended in some quarters. A scheme of sumptuary allowances would be very difficult to adjust in practice. Although it is possible to differentiate extremes, a place that is very expensive from a place that is by comparison cheap, there are so many intermediate degrees of expensiveness that if a few places be selected as carrying a sumptuary allowance there would be constant claims for such allowances to be extended from this division to that which might be difficult to resist. It is far better, therefore, to make an addition to the pay, recognising that a Commissioner has social obligations which involve upon him rather higher expenditure than falls upon the Head of a Department. Disparity between the Indian promoted from Rs.2,250 to Rs.3,250, and his British colleague promoted from Rs.2,600 to Rs.3,250 will be large, but it will be a long time before Indian members of the Indian Civil Service not in receipt of overseas pay will reach the rank of Commissioner, and it is clear that the Commissioner should be given the same exchange benefits as the Collector, even though none of his pay is shown as overseas pay.

23. As regards the other appointments above the time-scale, e.g., Chief Secretary, Member of Board of Revenue, Financial Commissioner and, on the judicial side, Judicial Commissioners, Additional Judicial Commissioners and Senior Judges, I do not, with one exception, suggest any increase in the basic pay. But all these officers should receive exchange

remittance benefits at the maximum rate if they are qualified for that by marriage or by having children under education in Europe. The one exception to which I have referred above is that of the Judicial Commissioner. If he presides over a Court (including himself) of three or more Judges, he should certainly be paid the pay of a Puisne Judge of a High Court. Now that Chief Courts have disappeared from India it may no longer be worth while to revive them, but the Judicial Commissioners of the Central Provinces and Berar, of Oudh, and Sind should certainly be paid Rs.4,000 a month, and receive the exchange remittance benefits to which they are entitled.

As regards High Court Judges, my British colleagues have excluded them from remittance benefits on the ground that as their remuneration is fixed by Statute, no such benefits can legally be given to them. In this belief I have concurred in this proposal; but in the scheme which I have submitted I would not exclude them unless the law forbids.

Indian Medical Service.

24. The appointments above the time-scale, or distinct from it, are numerous and the pay was recently fixed; but they should carry the remittance privilege that is common to all. The Lieutenant-Colonels on the selected list goes up to Rs.2,200 under my proposals, and I do not propose to alter the basic pay of these appointments. All of them, if married, will receive the equivalent of Rs.175 a month, and those with children being educated in Europe the equivalent of Rs.262½ with exchange at 1*s.* 4*d.*

Other Departmental Services.

25. These differ *inter se* according as they contain lower administrative posts, or selection grades, or both. The former appointments exist in the Police (Deputy Inspectors-General), in the Forests (Conservators) and in the Public Works (Superintending Engineers), while the Police have a selection grade besides; the Indian Educational Service a junior and senior selection grade; and the Indian Agricultural Service and Indian Veterinary Service a junior selection grade. The junior selection grades in the Indian Educational Service, and those of the Indian Agricultural Service and the Indian Veterinary Service will, under my scheme, be merged in the time-scale.

26. For the Police I propose a selection grade of—

Basic Pay.	*Overseas Pay.*	*Total.*
Rs.	*Rs.*	*Rs.*
1,600	350	1,950

or Rs.200 above the time-scale. In the case of the Indian Service of Engineers and the Indian Forest Service, where there are more Superintending Engineers and Conservators than there are Deputy Inspectors-General in the Police, there is no similar selection grade above the time-scale. For all these lower administrative posts, which are now paid at Rs.1,750–100–2,150, I would substitute a fixed pay of Rs.2,200. It will be Rs.250 above the selection pay of a senior Superintendent of Police and Rs.450 above the top of the ordinary time-scale. It will also be the same as that of a Lieutenant-Colonel, Indian Medical Service, on the selected list. These appointments must necessarily carry the same remittance benefits as are enjoyed by the officers at the top of the time-scale.

27. As regards the higher selection grade of the Indian Educational Service the present scale is—

Basic.	*Overseas Pay.*	*Total.*
Rs.	*Rs.*	*Rs.*
1,550	250	1,800
1,650	250	1,900
1,750	250	2,000

The rising of the overseas pay to Rs.350 will raise this scale to Rs.2,100 maximum. As the incumbents of the posts do not, as a matter of fact, hold more responsible charges, this increase should be sufficient. It will, of course, carry the remittance benefits when the officer is married or has children being educated in Europe.

28. I do not know any reason why the Indian Agricultural Service and the Indian Veterinary Service should not have been given a similar senior time-scale though the appointments on it may be fewer in proportion to the smaller strength of these Services. I think they should now receive the same benefit.

29. I note here that the absorption of the junior selection grade in the time-scale in the case of these three Services has the effect of a slight reduction in the basic pay. But I can see no reason why the Indian incumbent of these posts should be better paid than senior officers of the other Services.

Heads of Departments.

Police.

30. The Commissioners of Police, Bombay and Calcutta, receive salaries of Rs.2,000–100–2,500. As the pay of Deputy Inspectors-General is raised in my scheme they should certainly receive initial pay at least as high. But these posts are of great responsibility, and I consider them to be deserving of a fixed pay of Rs.2,500, with full exchange remittance privileges. The Commissioner of Police, Rangoon, should be paid as a Deputy Inspector-General and with the same exchange privileges.

Inspectors-General are paid—

	Rs.	*Rs.*	*Rs.*
7 on	2,500	125	3,000.
1 on	2,250	125	2,750.
2 on	2,250	125	2,500.

I would give them their maximum as fixed pay, with full remittance privileges. I do not consider that their social obligations are as heavy as those of a Commissioner of a Division, otherwise I would have recommended them in the seven largest Provinces the same pay as I have recommended for a Commissioner.

Indian Service of Engineers and Indian Forest Service.

31. Chief Engineers are paid at present Rs.2,750–125–3,000 and Chief Conservators Rs.2,500–125–2,750. I would give both these Heads of Departments a fixed pay of Rs.3,000, with full remittance privileges when qualified. They are very important services and the prizes should not differ *inter se*.

Indian Educational Service.

32. The pay of Directors of Public Instruction was liberally increased at the last revision. There are now—

	Rs.	*Rs.*	*Rs.*
3 on	2,500	100	3,000.
4 on	2,250	100	2,750.
1 on	2,000	100	2,500.
1 on	1,750	50	2,000.
1 on	1,500	50	1,750.

In the case of the first eight I would give fixed pay at their present maximum rates. In the case of the other two with reference to the time-scale and the selection grade as it would be revised under my scheme, the lowest possible pay is Rs.2,200 the same as that proposed for Deputy Inspectors-General of Police, Superintending Engineers and Conservators of Forests, with whom they may properly rank.

INDIAN AGRICULTURAL SERVICE.

33. The Director of Agriculture controls a smaller superior and inferior staff than the Heads of the other Departments mentioned, but his present pay of Rs.2,000, rising by Rs.50 to Rs.2,250, is small. If he is paid the same as a Director of Public Instruction in the smaller Provinces, he will not be overpaid. I recommend a fixed pay of Rs.2,500, with all usual remittance privileges, if qualified.

INDIAN VETERINARY SERVICE.

34. There is no similar Head of Department in the Indian Veterinary Service, but a senior officer called the Veterinary Adviser to the Local Government is given an allowance of Rs.150 a month. There is really no prize appointment in this Service at all. It is impossible for a Veterinary Superintendent holding one of several circles to keep proper supervision over the other circles in addition to managing his own as a sort of "*primus inter pares*." I would fix the pay of a Veterinary Adviser or Chief Veterinary Superintendent at Rs.2,250 in the smaller Provinces as judged by veterinary work, and Rs.2,500 in the larger ones. They will, of course, be entitled on the same grounds to the usual remittance privileges.

35. There are a few special appointments with the Government of India which are held by officers of these Services, e.g., Inspectors-General of Forests, pay Rs.3,250, Agricultural Adviser, pay Rs.2,750. These officers should receive remittance privileges as granted in all supertime-scale appointments. I should very much commend the advisability of the Government of India restoring the appointment of Veterinary Adviser to itself on the same pay and remittance privileges as the Agricultural Adviser.

36. In respect of all the higher posts, the practice of incremental salaries is of comparatively recent introduction ; the incremental salary on a time-scale for the ordinary posts which are likely to be held by officers for a large number of years is a necessary device for securing even and regular promotion, but in a high selection post there appears to be nothing to be said in favour of it. There are many cases in which promotion to the Headship of a Department only comes to an officer so late that he is time-expired before he can receive the full pay. It is doubtless more economical for Government, but the practice is not followed in such appointments as those of Commissioners, Financial Commissioners, Secretaries, Members of Boards of Revenue, Judgeships of High Courts and other high judicial appointments, and I do not think that it should be applied in the case of all these Headships of Departments. Even if in some cases the officer is appointed Head of a Department at an earlier age than is usual, it is clear that he must have been very specially selected for the post, and there is no reason why he should not receive the full pay.

37. I have not been able to make any exact estimates of the cost of my scheme of salaries as so many factors enter into the calculation, namely, the relative number of officers at different periods of service, the number of bachelors and childless widowers, the number of Indians and Europeans, but taking the time-scale only the percentage increases in basic pay are inconsiderable (*vide* paragraph 16) and the larger Services receive the least increase.

The present and proposed basic pay of an officer of the Services for 23 years (Police 26 years) is as follows :—

	Present. Rs.	*Proposed.* Rs.	*Increase.* Rs.
Indian Civil Service ..	31,500	31,800	300
Indian Medical Service ..	21,400	21,850	450
Indian Police Service ..	20,650	23,025	2,375
Indian Service of Engineers	20,525	21,450	925
Indian Forest Service ..	19,875	21,450	1,575
Indian Educational Service	20,350	21,450	1,100
Indian Agricultural Service / Indian Veterinary Service	19,100	21,450	2,350

The increase multipled by 12 and divided by 23 (Police 26) gives the annual cost of these increases in the various services. The results are :—

	Annual cost per officer of increase in basic pay.
	Rs.
Indian Civil Service	156
Indian Medical Service	234
Indian Police Service	1,134
Indian Service of Engineers	482
Indian Forest Service	821
Indian Educational Service	530
Indian Agricultural Service .. .. .. }	1,226
Indian Veterinary Service .. .. .. }	

The Indian Civil Service and the Indian Medical Service together account for half the total of officers, the Indian Agricultural Service and the Indian Veterinary Service are few in number, and I do not think that the cost to Government of the increase in basic pay of all these services taken together is likely to exceed Rs.600 per annum. I should assume the total cost at 20 lakhs.

38. The average addition to the overseas pay in all the Services for 23 years will be the same, namely, about Rs.1,150 multiplied by 12 = Rs.13,800 in 23 years, an annual average of Rs.600. It is estimated that the cost of the concessions that we have recommended in regard to passages will be Rs.50 a month, or for all entitled Europeans in all the Services, central as well as All-India, Rs.25 lakhs a year. The rupee additions to overseas pay in my scheme will therefore cost the same, for they, too, average out at Rs.50 per mensem.

The exchange concessions in my scheme when at a maximum, namely, when exchange is 1*s.* 4*d* add 50 per cent. to the total overseas pay. The total overseas pay (monthly totals) for an officer is Rs.6,150 which, multiplied by 12, equals Rs.73,800 over the 23 years of service included in the time-scale. The average is Rs.3,208 per annum, equals Rs.267 per mensem, and 50 per cent. of this will be Rs.134 per mensem, but 10 per cent. must be deducted for bachelors and childless widowers and a growing percentage for Indian officers in the Service. I doubt whether the concession will cost Government more than Rs.100 monthly for each officer or, say 50 lakhs.

39. The additional concession for officers having children educated in England would be equal to half the cost of the last concession if all officers fell within this category. But with bachelors, childless couples, Indian officers and officers who marry late to be allowed for, the cost of the concession to Government will be much reduced, and also in any case the concession will not be operative until an officer is about 40 years old. I should estimate that 20 lakhs a year would easily cover it.

The rough approximate estimate of my scheme is therefore :—

Increased basic pay of All-India Services only	20 lakhs a year.
Increased overseas pay of *all* Services	25 ,, ,,
Exchange remittance benefit all Services ..	50 ,, ,,
Additions for officers having children being educated in Europe	20 ,, ,,

40. These estimates are necessarily rough, and they do not take into consideration the increase in basic pay of the appointments above the time-scale though overseas pay and remittance concessions have been included. But time does not permit of my working out detailed estimates and the officers concerned are not numerous.

PENSIONS.

41. I have very few words to say on the subject. I recognise with regret that it is not possible to give any relief in regard to the pensions of persons already on the retired list, of whom I am one myself. No government can reopen one class of pensions without reopening all, and if any existing pensioners were to be given an increase in his pension on the grounds of increased cost of living, every pensioner in England and India could claim a similar increase no matter when he retired. As regards the pensions of those who retire in future, our report suggests 31st March, 1924, as the determining date.

I am obliged to say that I consider the case of the All-India Services, other than the Indian Civil Service and the Indian Medical Service, as of much greater urgency than the pensions of retired officers of the Indian Civil Service and the Indian Medical Service. The Indian Medical Service pensions are on an army scale, and both these Services have Family Pension Funds which relieve them of serious anxiety for widows and children. The Indian Civil Service have a very special grievance about past contributions paid by them, but, if further retrospective concessions were to be made to them, other retrospective claims would have had to be conceded also. I certainly could not, with a clear conscience, have endorsed the proposal that the Indian Civil Service pensions should be raised to £1,250 as was suggested by some Indian Civil Service Associations unless the concession were accompanied by much larger increases in the pensions of other Services than the Government of India or the Secretary of State are ever likely to consider. The recommendations in our Report appear to me to be very moderate, and the case of these Services for improved pensions is so urgent that I trust that this moderation will ensure their acceptance.

In respect to higher pensions in the Indian Civil Service for some of the highest appointments, I have been content to leave the matter to my colleagues to discuss whether there should be any increase in such pensions, what it should be, and who should benefit by it.

OTHER SERVICES.

42. I have omitted to refer to the Indian Educational Service, Women's Branch, and to the Central Services. The former, of course, is a case by itself. In the Report we have left it to the Government of India to consider, but in connection with my scheme I should like to remark that while I do not consider that the basic pay is too low for Indian ladies in that Service, the overseas pay, Rs.50 per mensem throughout the whole period of service, is a very small recognition of the difference between ladies working in their own country and climate and ladies who have come from England. The reason given for this low figure being fixed is that those ladies were allowed free passages home and back in their service, but if under our recommendations this concession is given to all, this reason will no longer hold good. I would recognise this by raising the overseas pay to Rs.100 the figure which the Report proposes for young bachelor police officers for their first three years of service. If in any rare case a lady in the Indian Educational Service, drawing overseas pay, should be a widow with a child or children to educate in Europe, she should be given the exchange remittance concessions in proportion to her overseas pay, as is proposed in my scheme for men.

43. In respect to the Central Services, I have not had the time nor sufficient material to enable me to examine closely the difficult questions of the differences between them and the All-India Services. The Political Department should be governed by the Indian Civil Service scale. The Departments of Audit and Accounts, the Post Office and Telegraphs (except Telegraph Engineers), are now entirely on an Indian basis, while the Survey of India is complicated by the fact that it contains Royal Engineer and

Indian Army Officers on special scales. Mines are also a very special Department. The Report propose that the overseas and exchange concession recommended for the All-India services should be extended *mutatis mutandis* to officers of European domicile in the Central Services, who had not stopped themselves from such a claim by a declaration that they were statutory natives of India, and were admitted on the basis of Europeans domiciled. Similarly, if my scheme of emoluments in respect of overseas benefits should at any future time be adopted in the case of the All-India Services, it is clear that these benefits could not be refused to the Central Services.

There is, in my opinion, no good reason for differentiating the pay of Geologists, Meteorologists, Archaeologists, Botanists and Zoologists from that of Educational Experts, Forest Officers or Engineers. The standard scale of my scheme would suit the Imperial Customs Service very well, Collectors being super-time scale.

44. There are two Services which are *sui generis*—the Salt and the Opium. The latter is better paid than the former, of which the pay is rather on the scale of a Provincial Service than of an All-India one.

The *Salt* appears to me to be very poorly paid, having regard to the isolation and bad climate to which its officers are subjected, and I think that the pay of that Service should be levelled up to the highest rate of pay now given to the Provincial Civil Services in the major Provinces. As regards the *Opium*, the Service is gradually dying out, and the only suggestion that I can make is that the progress of its time-scale should be accelerated. The top pay is equal to the top pay (basic) of the proposed standard scale of my scheme, but it is attained in a much longer period of service—30 years instead of 23.

45. *The Ecclesiastical Department* differs from all others ; it is a purely British Service, and in most respects an Army Service. So far as Civil Chaplains are concerned, I understand that the Metropolitan is negotiating with the Government of India on the future organisation of their status and emoluments. All chaplains in Government service should be given the benefits of passages and exchange remittances which are given to other European servants of Government in respect of that amount of their pay which corresponds to the overseas pay drawn by other Services.

46. The Bengal Pilot Service is also *sui generis* and the consideration of their grievances is clearly a matter for the Bengal Government, if indeed it is not a case which appertains to Port Commissioners who deal with this matter in Rangoon under an Act recently passed in Burma.

47. Lastly, as regards State Railways, the Engineers should clearly be given the same terms as the Officers of the I.S.E. Whether officers of the Traffic and Locomotive Department should be on the same basis as Engineers, is not a question upon which I am prepared to make any recommendations. The practice in this respect on Companies' Railways has no doubt been decided by the relative market value of the officers in question.

(*Signed*)

REGINALD CRADDOCK.

Dated 30th April, 1924.

TABLE I.—SIR REGINALD CRADDOCK'S SCHEME.

Scale of Pay and Overseas Pay for the Indian Civil Service. (Junior Scale.)

Year of Service.	Approximate Average Age.	Present.			Proposed.			Increase.		
		Basic Pay.	Overseas Pay.	Total.	Basic Pay.	Overseas Pay.	Total.	Basic Pay.	Overseas Pay.	Total.
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1st	24	450	150	600	450	150	600	Nil	Nil	—
2nd	25	500	150	650	500	150	650	—	Nil	—
3rd	26	550	150	700	550	150	700	—	Nil	—
4th	27	600	150	750	650	150	800	50	Nil	50
5th	28	650	150	800	650	150	800	—	—	—
6th	29	700	150	850	750	150	900	50	Nil	50
7th	30	750	150	900	750	250	1,000	Nil	100	100
8th	31	800	200	1,000	800	250	1,050	Nil	50	50
9th	32	900	200	1,100	900	250	1,150	Nil	50	50
10th	33	1,000	200	1,200	1,000	250	1,250	Nil	50	50
11th	34	1,100	200	1,300	1,100	300	1,400	Nil	100	100
12th	35	1,200	250	1,450	1,200	300	1,500	Nil	50	50
13th	36	1,300	250	1,550	1,300	300	1,600	Nil	50	50
14th	37	1,300	250	1,550	1,300	300	1,600	Nil	50	50
15th	38	1,350	250	1,600	1,350	300	1,650	Nil	50	50
Total—Years 1 to 8		5,000	1,250	6,250	5,100	1,400	6,500	100	150	250
Years 9 to 15 ..		8,150	1,600	9,750	8,150	2,000	10,150	Nil	400	400
Total—1 to 15		13,150	2,850	16,000	13,250	3,400	16,650	100	550	650

TABLE II.—SIR REGINALD CRADDOCK'S SCHEME.

Scale of Pay for the Indian Civil Service. (Senior Scale.)

Year of Service.	Approximate Average Age.	Present.			Proposed.			Increase.		
		Basic Pay.	Overseas Pay.	Total.	Basic Pay.	Overseas Pay.	Total.	Basic Pay.	Overseas Pay.	Total.
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
5th	28	1,000	150	1,150	1,000	150	1,150	—	Nil	Nil
6th	29	1,050	150	1,200	1,100	150	1,250	50	Nil	50
7th	30	1,100	150	1,250	1,100	250	1,350	Nil	100	100
8th	31	1,150	200	1,350	1,150	250	1,400	Nil	50	50
9th	32	1,200	200	1,400	1,200	250	1,450	Nil	50	50
10th	33	1,275	200	1,475	1,300	250	1,550	25	50	75
11th	34	1,350	200	1,550	1,350	300	1,650	Nil	100	100
12th	35	1,425	250	1,675	1,450	300	1,750	25	50	75
13th	36	1,500	250	1,750	1,500	300	1,800	Nil	50	50
14th	37	1,600	250	1,850	1,600	300	1,900	Nil	50	50
15th	38	1,700	250	1,950	1,700	300	2,000	Nil	50	50
16th	39	1,800	250	2,050	1,800	300	2,100	Nil	50	50
17th	40	1,900	250	2,150	1,900	350	2,250	Nil	100	100
18th	41	2,000	250	2,250	2,000	350	2,350	Nil	100	100
19th	42	2,050	250	2,300	2,150	350	2,500	100	100	200
20th	43	2,100	250	2,350	2,150	350	2,500	50	100	150
21st	44	2,150	250	2,400	2,150	350	2,500	Nil	100	100
22nd	45	2,200	250	2,450	2,200	350	2,550	Nil	100	100
23rd	46	2,250	250	2,500	2,250	350	2,600	Nil	100	100
Total—Years 9 to 23 ..		26,500	3,600	30,100	26,700	4,750	31,450	200	1,150	1,350
Junior Scale, Years 1 to 8..		5,000	1,250	6,250	5,100	1,400	6,500	100	150	250
Senior Scale, Years 9 to 23..		26,500	3,600	30,100	26,700	4,750	31,450	200	1,150	1,350
Total Time-scale ..		31,500	4,850	36,350	31,800	6,150	37,950	300	1,300	1,600

TABLE III.—SIR REGINALD CRADDOCK'S SCHEME

Showing Present and Proposed Pay of the Indian Medical Service.

Years of Service.	Approximate Average Ages.	Rank.	Present.			Proposed.			Increase.			Compared standard proposed for other All-India Services, except I.C.S.		
			Basic Pay.	Overseas Pay.	Total.	Basic Pay.	Overseas Pay.	Total.	Basic Pay.	Overseas Pay.	Total.			
			Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1st year	24	Lt.	500	150	650	500	150	650	—	—	—	400	150	550
2nd ,,	25	,,	500	150	650	500	150	650	—	—	—	450	150	600
3rd ,,	26	,,	500	150	650	500	150	650	—	—	—	500	150	650
4th ,,	27	Capt.	650	150	800	650	150	800	—	—	—	550	150	700
5th ,,	28	,,	650	150	800	650	150	800	—	—	—	600	150	750
6th ,,	29	,,	650	150	800	650	150	800	—	—	—	650	150	800
7th ,,	30	,,	750	200	950	750	250	1,000	—	50	50	650	250	900
8th ,,	31	,,	750	200	950	750	250	1,000	—	50	50	700	250	950
9th ,,	32	,,	750	200	950	750	250	1,000	—	50	50	750	250	1,000
10th ,,	33	,,	850	200	1,050	850	250	1,100	—	50	50	800	250	1,050
11th ,,	34	,,	850	200	1,050	850	300	1,150	—	100	100	850	300	1,150
12th ,,	35	,,	850	200	1.050	850	300	1,150	—	100	100	850	300	1,150
13th ,,	36	Major	950	250	1,200	1,050	300	1,350	100	50	150	1,050	300	1,350
14th ,,	37	,,	950	250	1,200	1,050	300	1,350	100	50	150	1,050	300	1,350
15th ,,	38	,,	950	250	1,200	1,100	300	1,400	150	50	200	1,100	300	1,400
16th ,,	39	,,	1,100	250	1,350	1,100	300	1,400	Nil	50	50	1,100	300	1,400
17th ,,	40	,,	1,100	250	1,350	1,150	350	1,500	50	100	150	1,150	350	1,500
18th ,,	41	,,	1,100	250	1,350	1,150	350	1,500	50	100	150	1,150	350	1,500
19th ,,	42	,,	1,250	250	1,500	1,250	350	1,600	Nil	100	100	1,200	350	1,550
20th ,,	43	,,	1,250	250	1,500	1,250	350	1,600	Nil	100	100	1,250	350	1,600
21st ,,	44	Lt.-Col.	1,500	250	1,750	1,500	350	1,850	Nil	100	100	1,300	350	1,650
22nd ,,	45	,,	1,500	250	1,750	1,500	350	1,850	Nil	100	100	1,350	350	1,700
23rd ,,	46	,,	1,500	250	1,750	1,500	350	1,850	Nil	100	100	1,400	350	1,750

TABLE III.—SIR REGINALD CRADDOCK'S SCHEME—*continued.*

Total Monthly Payments for Years 1 to 23.

Present.			Proposed.			Increase.			Compared standard.		
Basic Pay.	Overseas Pay.	Total.	Basic Pay.	Overseas Pay.	Total.	Basic Pay.	Overseas Pay.	Total.	Basic Pay.	Overseas Pay.	Total.
Rs. 21,400	Rs. 4,850	Rs. 26,250	Rs. 21,850	Rs. 6,150	Rs. 28,000	Rs. 450	Rs. 1,300	Rs. 1,750	Rs. 21,450	Rs. 6,150	Rs. 27,600

Note.—(i) The comparison with the standard pay of the scheme is with the junior scale until the officer attains the rank of Major, when the comparison is with the senior scale as is explained in the body of the minute.

(ii) The subsequent rates of pay in the I.M.S. time scale compare with the selection grades of other services, and will carry the highest overseas pay of Rs.350.

TABLE IV.—SIR REGINALD CRADDOCK'S SCHEME.

Standard Scale proposed for all the All-Indian Services except Indian Civil Service and Indian Medical Service and excluding first three years of the Police.

Year of Service.		Approximate Average Age.	Junior Scale.			Senior Scale.		
All Services.	Police.		Basic Pay.	Overseas Pay.	Total.	Basic Pay.	Overseas Pay.	Total.
			Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1st	4th	24	400	150	550	—	—	—
2nd	5th	25	450	150	600	—	—	—
3rd	6th	26	500	150	650	650	150	800
4th	7th	27	550	150	700	700	150	850
5th	8th	28	600	150	750	750	150	900
6th	9th	29	650	150	800	800	150	950
7th	10th	30	650	250	900	800	250	1,050
8th	11th	31	700	250	950	850	250	1,100
9th	12th	32	750	250	1,000	900	250	1,150
10th	13th	33	800	250	1,050	950	250	1,200
11th	14th	34	850	300	1,150	1,000	300	1,300
12th	15th	35	850	300	1,150	1,000	300	1,300
13th	16th	36	900	300	1,200	1,050	300	1,350
14th	17th	37	900	300	1,200	1,050	300	1,350
15th	18th	38	950	300	1,250	1,100	300	1,400
16th	19th	39	—	—	—	1,100	300	1,400
17th	20th	40	—	—	—	1,150	350	1,500
18th	21st	41	—	—	—	1,150	350	1,500
19th	22nd	42	—	—	—	1,200	350	1,550
20th	23rd	43	—	—	—	1,250	350	1,600
21st	24th	44	—	—	—	1,300	350	1,650
22nd	25th	45	—	—	—	1,350	350	1,700
23rd	26th	46	—	—	—	1,400	350	1,750

Totals of Monthly Pay:

—	Basic Pay.	Overseas Pay.	Total.
Junior Scale, 1st to 8th years	4,500	1,400	5,900
Senior Scale, 9th to 23rd years	16,950	4,750	21,700
Total 23 years to top of time Scale ..	21,450	6,150	27,600

TABLE V.—SIR REGINALD CRADDOCK'S SCHEME

Showing the exchange remittance advantages to married officers in all Services alike in each year, when the current rate of exchange is at 1s. 4d. to the rupee.

Years of Service.		Approximate Average Age.	Average Pay.	Sterling Rate per annum.		Annual Benefit to Officers.	Additional benefit if officer has children being educated in Europe.
All Services	Police	Yrs.	Rs.	At 1s. 4d.	At 2s.		
				£	£	£	£
1st	4th	24	150	120	180	60	—
2nd	5th	25	150	120	180	60	—
3rd	6th	26	150	120	180	60	—
4th	7th	27	150	120	180	60	—
5th	8th	28	150	120	180	60	30
6th	9th	29	150	120	180	60	30
7th	10th	30	250	200	300	100	50
8th	11th	31	250	200	300	100	50
9th	12th	32	250	200	300	100	50
10th	13th	33	250	200	300	100	50
11th	14th	34	300	240	360	120	60
12th	15th	35	300	240	360	120	60
13th	16th	36	300	240	360	120	60
14th	17th	37	300	240	360	120	60
15th	18th	38	300	240	360	120	60
16th	19th	39	300	240	360	120	60
17th	20th	40	350	280	420	140	70
18th	21st	41	350	280	420	140	70
19th	22nd	42	350	280	420	140	70
20th	23rd	43	350	280	420	140	70
21st	24th	44	350	280	420	140	70
22nd	25th	45	350	280	420	140	70
23rd	26th	46	350	280	420	140	70

Note.—The overseas pay in rupees is based on the assumption that the officer will marry at age 30, that his family will begin to cost him heavy extra expenditure at age 34, and that at age 40 his expenses in Europe for the education of his family will rise. If officers are married earlier, they will have to face lower overseas pay, and it is not proposed to pay them larger exchange remittance advantages on this account.

The rupee equivalents, at 1s. 4d., of the remittance advantages are :—

At £60 per annum .. Rs.75 per annum
„ £100 „ „ .. Rs.125 „ „
„ £120 „ „ .. Rs.150 „ „
„ £140 „ „ .. Rs.175 „ „

} With 50 per cent. more if children are being educated in Europe.

TABLE VI.—SIR REGINALD CRADDOCK'S SCHEME

Showing the Police Scale for the first three years and the application of the Standard Rate to the Indian Police Service (Junior Scale) from the 4th year.

Year of Service.	Approximate Average Age.	Present Pay.			Standard Rate Proposed.			Increase.		
		Basic.	Overseas.	Total.	Basic.	Overseas.	Total.	Basic.	Overseas.	Total.
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1st	21	325	125	450	350	125	475	25	Nil	25
2nd	22	350	125	475	375	125	500	25	Nil	25
3rd	23	375	125	500	400	125	525	25	Nil	25
4th	24	400	150	550	400	150	550	Nil	Nil	Nil
5th	25	425	150	575	450	150	600	25	Nil	25
6th	26	450	150	600	500	150	650	50	Nil	50
7th	27	475	150	625	550	150	700	75	Nil	75
8th	28	500	150	650	600	150	750	100	Nil	100
9th	29	525	200	725	650	150	800	125	−50	75
10th	30	550	200	750	650	250	900	100	+50	150
11th	31	575	200	775	700	250	950	125	50	175
12th	32	600	250	850	750	250	1,000	150	Nil	150
13th	33	625	250	875	800	250	1,050	175	Nil	175
14th	34	650	250	900	850	300	1,150	200	50	250
15th	35	675	250	925	850	300	1,150	175	50	225
Total—Years 1 to 8 ..		3,300	1,125	4,425	3,625	1,125	4,750	325	Nil	325
Years 1 to 15 ..		7,500	2,725	10,225	8,875	2,875	11,750	1,375	150	1,525

Note.—From the 4th year the Police come on to the standard for all Services.

TABLE VII.—SIR REGINALD CRADDOCK'S SCHEME

Showing the application of the Standard Scale to the Indian Police Service (Senior Scale) from the 4th year onwards.

Year of Service.	Approximate Average Age.	Present Pay.			Standard Rate Proposed.			Increase.		
		Basic.	Overseas.	Total.	Basic.	Overseas.	Total.	Basic.	Overseas.	Total.
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
6th	26	600	150	750	650	150	800	50	Nil	50
7th	27	625	150	775	700	150	850	75	Nil	75
8th	28	650	150	800	750	150	900	100	Nil	100
9th	29	675	200	875	800	150	950	125	—50	75
10th	30	700	200	900	800	250	1,050	100	50	150
11th	31	725	200	925	850	250	1,100	125	50	175
12th	32	750	250	1,000	900	250	1,150	150	—	150
13th	33	775	250	1,025	950	250	1,200	175	—	175
14th	34	800	250	1,050	1,000	300	1,300	200	50	250
15th	35	825	250	1,075	1,000	300	1,300	175	50	225
16th	36	850	250	1,100	1,050	300	1,350	200	50	250
17th	37	900	250	1,150	1,050	300	1,350	150	50	200
18th	38	950	250	1,200	1,100	300	1,400	150	50	200
19th	39	1,000	250	1,250	1,100	300	1,400	100	50	150
20th	40	1,050	250	1,300	1,150	350	1,500	100	100	200
21st	41	1,100	250	1,350	1,150	350	1,500	50	100	150
22nd	42	1,150	250	1,400	1,200	350	1,550	50	100	150
23rd	43	1,200	250	1,450	1,250	350	1,600	50	100	150
24th	44	1,250	250	1,500	1,300	350	1,650	50	100	150
25th	45	1,300	250	1,550	1,350	350	1,700	50	100	150
26th	46	1,350	250	1,600	1,400	350	1,750	50	100	150
Junior Scale, Years 1–8 ..		3,300	1,125	4,425	3,625	1,125	4,750	325	Nil	325
Senior Scale, Years 9–26 ..		17,350	4,350	21,700	19,400	5,400	24,800	2,050	1,050	3,100
Total Years 1–26		20,650	5,475	26,125	23,025	6,525	29,550	2,375	1,050	3,425

TABLE VIII.—SIR REGINALD CRADDOCK'S SCHEME

Showing the application of the Standard Scale to the Indian Service of Engineers (Junior Scale).

Year of Service.	Approximate Average Age.	Present Pay.				Proposed Pay.			Increase.		
		Basic.	Technical.	Overseas.	Total.	Basic, absorbing Technical.	Overseas.	Total.	Basic.	Overseas.	Total.
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1st ..	24	300	75	150	525	400	150	550	25	Nil	25
2nd ..	25	350	75	150	575	450	150	600	25	Nil	25
3rd ..	26	400	75	150	625	500	150	650	25	Nil	25
4th ..	27	450	75	150	675	550	150	700	25	Nil	25
5th ..	28	450	75	150	675	600	150	750	75	Nil	75
6th ..	29	500	75	150	725	650	150	800	75	Nil	75
7th ..	30	550	75	150	775	650	250	900	25	100	125
8th ..	31	550	75	200	825	700	250	950	75	50	125
9th ..	32	600	75	200	875	750	250	1,000	75	50	125
10th ..	33	650	75	200	925	800	250	1,050	75	50	125
11th ..	34	700	75	250	1,025	850	300	1,150	75	50	125
12th ..	35	750	75	250	1,075	850	300	1,150	25	50	75
13th ..	36	800	75	250	1,125	900	300	1,200	25	50	75
14th ..	37	850	75	250	1,175	900	300	1,200	— 25	50	25
15th ..	38	900	75	250	1,225	950	300	1,250	— 25	50	25
Total years 1 to 8		4,150		1,250	5,400	4,500	1,400	5,900	350	150	500
Total years 1 to 15		9,925		2,900	12,825	10,500	3,400	13,900	575	500	13,900

TABLE IX.—SIR REGINALD CRADDOCK'S SCHEME.

Showing the application of the Standard Scale to the Indian Service of Engineers (Senior Scale).

Year of Service.	Approximate Average Age.	Present Pay.				Proposed Pay.			Increase.		
		Basic.	Technical.	Overseas.	Total.	Basic absorbing Technical.	Overseas.	Total.	Basic.	Overseas.	Total.
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
3rd ..	26	500	75	150	725	650	150	800	75	Nil	75
4th ..	27	550	75	150	775	700	150	850	75	Nil	75
5th ..	28	550	75	150	775	750	150	900	125	Nil	125
6th ..	29	600	75	150	825	800	150	950	125	Nil	125
7th ..	30	650	75	150	875	800	250	1,050	75	100	175
8th ..	31	650	75	200	925	850	250	1,100	125	50	175
9th ..	32	700	75	200	975	900	250	1,150	125	50	175
10th ..	33	750	75	200	1,025	950	250	1,200	125	50	175
11th ..	34	800	75	250	1,125	1,000	300	1,300	125	50	175
12th ..	35	850	75	250	1,175	1,000	300	1,300	75	50	125
13th ..	36	900	75	250	1,225	1,050	300	1,350	75	50	125
14th ..	37	950	75	250	1,275	1,050	300	1,350	25	50	75
15th ..	38	950	75	250	1,275	1,100	300	1,400	75	50	125
16th ..	39	1,000	75	250	1,325	1,100	300	1,400	25	50	75
17th ..	40	1,050	75	250	1,375	1,150	350	1,500	25	100	125
18th ..	41	1,100	75	250	1,425	1,150	350	1,500	−25	100	75
19th ..	42	1,200	75	250	1,525	1,200	350	1,550	−75	100	25
20th ..	43	1,200	75	250	1,525	1,250	350	1,600	−25	100	75
21st ..	44	1,250	75	250	1,575	1,300	350	1,650	−25	100	75
22nd ..	45	1,250	75	250	1,575	1,350	350	1,700	25	100	125
23rd ..	46	1,300	75	250	1,625	1,400	350	1,750	25	100	125
Junior Scale— Years 1 to 8		4,150		1,250	5,400	4,500	1,400	5,900	350	150	500
Senior Scale— Years 9 to 23		16,375		3,650	20,025	16,950	4,750	21,700	575	1,100	1,675
Total—Years 1 to 23		20,525		4,900	25,425	21,450	6,150	27,600	925	1,250	2,175

Note.—There is a slight reduction in the years 18, 19, 20 and 21 in the proposed basic pay as compared with the present combined basic and technical pay, but there is no reduction in total pay, including overseas, and as the officers who do not draw overseas pay will very rarely draw technical pay, the individual loss must occur in very few cases. If such there be the difficulty can be met by personal pay.

TABLE X.—SIR REGINALD CRADDOCK'S SCHEME

Showing the application of the proposed Standard Scale to the Indian Forest Service.

Year of Service.	Approximate Average Age.	Present.			Proposed.			Increase.		
		Basic.	Overseas.	Total.	Basic.	Overseas.	Total.	Basic.	Overseas.	Total.
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1st	24	325	150	475	400	150	550	75	Nil	75
2nd	25	375	150	525	450	150	600	75	Nil	75
3rd	26	425	150	575	500	150	650	75	Nil	75
4th	27	475	150	625	550	150	700	75	Nil	75
5th	28	525	150	675	600	150	750	75	Nil	75
6th	29	575	150	725	650	150	800	75	Nil	75
7th	30	625	200	825	650	250	900	25	50	75
8th	31	675	200	875	700	250	950	25	50	75
9th	32	725	200	925	900	250	1,150	175	50	225
10th	33	800	250	1,050	950	250	1,200	150	Nil	150
11th	34	850	250	1,100	1,000	300	1,300	150	50	200
12th	35	900	250	1,150	1,000	300	1,300	100	50	150
13th	36	900	250	1,150	1,050	300	1,350	150	50	200
14th	37	950	250	1,200	1,050	300	1,350	100	50	150
15th	38	1,000	250	1,250	1,100	300	1,400	100	50	150
16th	39	1,050	250	1,300	1,100	300	1,400	50	50	100
17th	40	1,100	250	1,350	1,150	350	1,500	50	100	150
18th	41	1,150	250	1,400	1,150	350	1,500	Nil	100	100
19th	42	1,200	250	1,450	1,200	350	1,550	Nil	100	100
20th	43	1,250	250	1,500	1,250	350	1,600	Nil	100	100
21st	44	1,300	250	1,550	1,300	350	1,650	Nil	100	100
22nd	45	1,350	250	1,600	1,350	350	1,700	Nil	100	100
23rd	46	1,350	250	1,600	1,400	350	1,750	50	100	150
Total for 23 years ..		19,875	5,000	24,875	21,450	6,150	27,600	1,575	1,150	2,725

TABLE XI.—SIR REGINALD CRADDOCK'S SCHEME

Showing the application of the proposed Standard Scale to the Indian Educational Service.

Years of Service.	Approximate Average Age.	Present Pay.			Proposed Pay.			Increase.		
		Basic.	Overseas.	Total.	Basic.	Overseas.	Total.	Basic.	Overseas.	Total.
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1st	24	400	150	550	400	150	550	Nil	Nil	Nil
2nd	25	450	150	600	450	150	600	Nil	Nil	Nil
3rd	26	500	150	650	500	150	650	Nil	Nil	Nil
4th	27	550	150	700	550	150	700	Nil	Nil	Nil
5th	28	600	150	750	600	150	750	Nil	Nil	Nil
6th	29	600	200	800	650	150	800	50	—50	Nil
7th	30	650	200	850	650	250	900	Nil	50	50
8th	31	700	200	900	700	250	950	Nil	50	50
9th	32	750	250	1,000	900	250	1,150	150	Nil	150
10th	33	800	250	1,050	950	250	1,200	150	Nil	150
11th	34	850	250	1,100	1,000	300	1,300	150	50	200
12th	35	900	250	1,150	1,000	300	1,300	100	50	150
13th	36	950	250	1,200	1,050	300	1,350	100	50	150
14th	37	1,000	250	1,250	1,050	300	1,350	50	50	100
15th	38	1,000	250	1,250	1,100	300	1,400	100	50	150
16th	39	1,050	250	1,300	1,100	300	1,400	50	50	100
17th	40	1,100	250	1,350	1,150	350	1,500	50	100	150
18th	41	1,150	250	1,400	1,150	350	1,500	Nil	100	100
19th	42	1,200	250	1,450	1,200	350	1,550	Nil	100	100
20th	43	1,250	250	1,500	1,250	350	1,600	Nil	100	100
21st	44	1,250	250	1,500	1,300	350	1,650	50	100	150
22nd	45	1,300	250	1,550	1,350	350	1,700	50	100	150
23rd	46	1,350	250	1,600	1,400	350	1,750	50	100	150
Total, 1 to 23 years ..		20,350	5,100	25,450	21,450	6,150	27,600	1,100	1,050	2,150

TABLE XII.—SIR REGINALD CRADDOCK'S SCHEME

Showing the application of the proposed Standard Scale to the Indian Agricultural and Indian Veterinary Services.

Year of Service.	Approximate Average Age.	Present Pay.			Proposed Pay.			Increase.		
		Basic.	Overseas.	Total.	Basic.	Overseas.	Total.	Basic.	Overseas.	Total.
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1st	24	350	150	500	400	150	550	50	Nil	50
2nd	25	400	150	550	450	150	600	50	Nil	50
3rd	26	450	150	600	500	150	650	50	Nil	50
4th.	27	500	150	650	550	150	700	50	Nil	50
5th	28	550	150	700	600	150	750	50	Nil	50
6th	29	550	200	750	650	150	800	100	—50	50
7th	30	600	200	800	650	250	900	50	50	100
8th	31	650	200	850	700	250	950	50	50	100
9th	32	700	250	950	900	250	1,150	200	Nil	200
10th	33	750	250	1,000	950	250	1,200	200	Nil	200
11th	34	800	250	1,050	1,000	300	1,300	200	50	250
12th	35	800	250	1,050	1,000	300	1,300	200	50	250
13th	36	850	250	1,100	1,050	300	1,350	200	50	250
14th	37	900	250	1,150	1,050	300	1,350	150	50	200
15th	38	950	250	1,200	1,100	300	1,400	150	50	200
16th	39	1,000	250	1,250	1,100	300	1,400	100	50	150
17th	40	1,050	250	1,300	1,150	350	1,500	100	100	200
18th	41	1,100	250	1,350	1,150	350	1,500	50	100	150
19th	42	1,150	250	1,400	1,200	350	1,550	50	100	150
20th	43	1,200	250	1,450	1,250	350	1,600	50	100	150
21st	44	1,250	250	1,500	1,300	350	1,650	50	100	150
22nd	45	1,250	250	1,500	1,350	350	1,700	100	100	200
23rd	46	1,300	250	1,550	1,400	350	1,750	100	100	200
Total for years 1 to 23 ..		19,100	5,100	24,200	21,450	6,150	27,600	2,350	1,050	3,400

MINUTE BY MR. PETRIE.

1. The preparation of the Report now published has been governed by two main considerations, each of peculiar weight and urgency. The first of these, in my opinion, was the pressing need of the early announcement of some measure of relief to the Public Services in India; and the second, the insistent demand of even moderate Indian public opinion for an advance in the Indianisation of the Services more in keeping with the liberalised character of the reformed constitution. These special conditions under which it was compiled have left their impress on the form and character of the Report itself. For a public document of its class and importance it is comparatively brief, while it supports by only a limited amount of reasons and arguments the decisions that have been arrived at by the Commission. I fully shared with the other members of the Commission the view they took of the great importance attaching to the two considerations I have mentioned, and I can think of no commensurate advantage that could have been gained by the later publication of a more voluminous and more lengthily reasoned document.

2. Another special feature of our Report is that the evidence on which our conclusions are based will not be made available either to the public or to the members of the services themselves. The guarantee of confidence under which a considerable portion of our evidence was obtained has naturally precluded publication. This brevity of the Report, and the absence of published evidence, combine to present a special opportunity —or, it may be, a special temptation—for individual commissioners to make clear in separate notes the chief reasons and considerations that have weighed with them in coming to the various decisions and recommendations to which they have given their assent. Speaking for myself, as being the only British member of the Commission who is still on the active list of any of the Indian Services, I feel that there is perhaps a peculiarly strong case for my attempting to describe how some of the problems dealt with presented themselves to the mind of one who is himself liable to be affected by the recommendations of the Commission, in so far as they may ultimately be adopted. Even if what I have to say should prove of little public value, it may not be entirely devoid of interest for some of my fellow-members of the various Public Services in India.

3. Apart from improvements in the conditions of the Services, a subject which I shall come to later, the two principal questions facing the Commission were those of Indianisation and Provincialisation. These are each of the first rank in magnitude and importance, and, it may be added, in complexity. Their difficulty can perhaps best be gauged from the extraordinary diversity of opinion expressed in regard to them. It should be remembered, too, that such conflicting evidence was not that of laymen, amateurs, or irresponsibles, but came from witnesses—both official and non-official—who are prominent in Indian public life at the present time, who have been actively concerned in the working of the new system, and who have been anxiously devoting their minds to the solution of these very problems.

4. In its terms of reference the Royal Commission was charged with examining the above two questions " in view of the experience now gained of the operation of the system of Government established in India by the Government of India Act," due regard being had to the necessity of maintaining a standard of administration in conformity with the responsibilities of the Crown and to the declared policy of Parliament in respect of the increasing association of Indians in every branch of the Public Service. As it so happened, the Royal Commission was in India at a time when the working of the new system of Government, inasmuch as it was developing along lines widely different from those originally foreseen, was beginning to cause grave anxiety to many both in England and in India. The

elections of December, 1923, had brought into prominence and power the new Swarajist element, which was bent not on co-operation, but on obstruction and wreck. Their strength varied from Province to Province, but their aims everywhere were the same. In one Province at least they had brought the working of the new Constitution to a standstill, in another they had seriously threatened it, while in the Central Legislature they were able to obstruct completely the passage of the budget. These results had not, of course, been achieved during the earlier months the Commission spent in India, but they were not unforeseen, as the Swarajists had made no secret of their plans, and had secured such success at the polls as placed them in a position to go beyond mere threats Such happenings, therefore, actual or impending, could hardly have been absent from the minds of most of the witnesses who appeared before us, or have failed to colour their evidence. Added to this, even the old "moderate" Legislatures had been regarded in many quarters as not always too friendly or helpful in matters affecting the interests of the Services, so that under the new régime chastisement by scorpions might be expected where only whips had been used before. I trust that in this brief presentment of the special circumstances of the time I have said nothing that is controversial. My only object is to give a bare outline of the situation which led men to arrive at the widely divergent views they expressed to us as to the working of the system of Government established by the Government of India Act.

5. It did not lighten the task of the Commission that the witnesses who held these sharply conflicting opinions did not readily fall, or could not readily be sub-divided, into distinct classes or categories representing this or that shade of opinion. Official evidence showed as little agreement as non-official, so that it would be almost impossible to say that a particular view was held by the official element or by this or that section of the public. Extreme views on both sides, both the definitely retrograde and the frankly hostile, may safely be left out of account. But between these extremes there was offered an immense variety of opinion that was neither intemperately expressed nor unintelligibly supported. On the one side we had evidence that the Reforms had gone far enough and that there should be no further changes until the effect of those already introduced had become more fully apparent; there was no case for further Indianisation or of advance on the present percentages of recruitment except at the sacrifice of efficiency and, possibly, of safety also. Other witnesses were prepared to work up cautiously to a higher percentage within a specified period, although some even of this persuasion regarded increased Indianisation as inevitable rather than desirable. As against all this, we were told that the pace must be considerably accelerated, that provincial autonomy should come at once, with a large devolution to the Government of India of the powers of control now exercised by the Secretary of State; it would then be left to the new autonomous governments to settle the question of Indianisation in their own way, by employing such British element as they considered their Public Services required. A concomitant of such an advance was to be an immediate large discontinuance, or a total cessation, of European recruitment.

6. It may give further point to what I have said as to the extraordinary diversity of views that we found to exist, if I mention that sometimes the identically same course was urged upon us for reasons that were diametrically different. Thus, a further constitutional advance was occasionally justified on the grounds that the Reforms had worked well and that their chief obstacle to success lay in their own limitations, as witnessed by the chafing of Indian ministers and of Indian public opinion at the unreality in control which the existing system imposed; on other occasions an advance was supported not on the score of justification, but because it was a logical and inevitable, though regrettable, consequence of the Reforms Act, and because it would be well to make a further concession forthwith instead of having it ultimately extorted by the painful and embittering

process of unceasing agitation. For equally dissimilar reasons was a total cessation of British recruitment recommended to us, some witnesses proposing this course in the interests of more speedy Indianisation, while others represented that it was unfair, if not dishonest, to bring out further British recruits to India, where there was no demand for them and no means of adequately safeguarding their future career or prospects. If I have made myself clear I need not further labour the fact that in the matter of Indianisation it would have been impossible for the Commission to select any single one of the solutions suggested and to say " this is the right course because it is supported by the most responsible and the most enlightened opinion, both English and Indian." Seldom, I venture to say, can the old adage *tot homines tot sententiae* have been more fully and more embarrassingly illustrated.

7. To speak the truth, the great dissimilarity of the views we listened to was somewhat baffling and even bewildering. It seemed, therefore (at least so it seemed to me), that the only way to approach the question was to steer boldly by the one or two pinnacle-points of certainty that appeared to break the surface of this flood of doubts. The Royal Commission, as I read its terms of reference, was not required to overhaul the Indian constitution or even to examine the possibility of introducing scarcely less sweeping changes. The performance of this important task has been separately provided for in the Government of India Act. This fact, then, automatically answers both those who recommended a virtual retrocession from the present position, as well as those who asked for changes which it would require fresh legislation to introduce. A second fact is that the best and most responsible evidence, both English and Indian, does not go to support the view that India is yet in a position to dispense with the assistance of English officials of the right type in working out her political future. Yet another fact is that Indian public opinion —even moderate opinion—is unanimous that the Reforms, in their present state of development, have been too niggardly in the matter of the Indianisation of the Public Services, that the administrative machine, for many years to come, will be preponderatingly British in character, and that Indians are prevented, within any reasonable time, from demonstrating their fitness for a larger share in the management of India's affairs. The Commission's recommendations, it seems to me, had to be guided by these elementary but fundamental facts. The changes that have been proposed are far-reaching, although they do not break with the present system. The marked advance in Indian recruitment will be made evenly and scientifically and will not impair the structure of the Services. This result could scarcely have been avoided if we had adopted the proposal for a total cessation of European recruitment, apart from the risk that if the stream of young Englishmen who now join the Indian Services were once diverted elsewhere, there is little likelihood that it could again be made at any given moment to flow in the direction of India just because Indian conditions happened to make this desirable. Assuming again that the future of India can best be worked out by the joint effort and the mutual co-operation of English and Indian, the changes proposed do incontestably open up a field in which each can labour on terms of equality with the other and develop that sense of real comradeship which will be inspired by their being knit together by the bond of joint endeavour in the accomplishment of a great and honourable purpose. If this spirit of brotherhood in India's service is attainable as between Englishmen and Indians, the new condition of things forecasted in the Report will give the fullest opportunity for its creation and development; if it is not attained, it will mean that the problems of Indian administration will have to be approached from a radically different standpoint. The Commission's recommendations, if adopted, should give its deathblow to the widely held belief that Britain is determined to retain in perpetuity the " steel-frame " of the Services as an instrument for India's perpetual

subjection. With the majority of the services provincialised and the few remaining All-India Services recruited on a basis of equality, no one can longer truthfully affirm that the Reforms have given India the semblance, but not the substance, of power or denied her sons a fair and reasonable opportunity of showing the stuff they are made of. The new recruitment proposals seem to me to leave no room for anyone, other than avowed enemies to the whole British connection, a further excuse for failure to co-operate; they provide greatly enlarged scope for the present and promise further opportunity for the future. It may well be that some will consider that the present proposed advance in Indianisation goes too far. It is certain, however, that things cannot remain as they are at present, and as a high authority put it to us "nothing can be more prejudicial to the smooth and efficient working of any Service than the history of the last three years." Petty, niggling concessions can be of no avail; extorted frequently under pressure of agitation, they are usually overdue before they are granted and so tend to stimulate, rather than to allay, discontent. The only wise course seems to be to take such a courageous step forward as will convince all who are open to conviction of the reality of the Reforms and of the honesty of purpose behind them. The Reforms are the law of the land and it is not unreasonable for Indians to ask that they should be put to a fair test without further delay—a delay which can produce only further friction and estrangement. Of all the courses I can see open, the best and the fairest seems to be to give the Reforms early and full opportunity to succeed or to fail. They are not divinely inspired, and, like other human institutions, they must stand or fall by the degree of success or failure attending their working. On every ground it seems better that the experiment should be brought to an issue within a reasonably short period of time, while the old and tried British element in the Services is still present in sufficient strength to provide a very real safeguard. Further delay and a further continuance of existing conditions will not only cause further depletion of their ranks, but will make the surviving British remnant so unpopular as to rob it largely of its usefulness in averting any dangers and risks that may lie ahead. For these reasons, the increase in Indianisation we have recommended constitutes a just, an expedient, and, as far as one can see in all the circumstances, a safe advance.

8. After what I have said on Indianisation, I feel that I can dispose in a few words of the question of Provincialisation. The reasons for a further advance are, in their essence, the same. We had much evidence as to the dissatisfaction of Ministers at their lack of control over members of the All-India Services operating in the transferred field, although it is only fair to add that we heard little or no complaint from Ministers themselves. Yet the desire of the Provincial administrations to be completely master in their own house flows so naturally from the Reform Scheme itself, and is so legitimate and reasonable, that it cannot well be withstood. Once the transfer of certain subjects had taken place, any limitation in control was bound to lead to an unnatural and difficult position. It is with great regret that I have agreed to the disappearance of several of the All-India Services, with their high traditions and splendid records of devotion to duty, but the inexorable logic of the situation points relentlessly in that direction. It would be too much to suppose that, especially at the outset, mistakes will not be made, or that efficiency will not suffer, but on the transferred side it has been entrusted to local administrators to make their own bed, and they will doubtless in time be taught to make one that they can comfortably lie on.

9. The last point on which I desire to touch, is the present condition—especially the frame of mind and temper—of the public services in India. The question is a highly important one, and it is only right that more information should be made public regarding it than appears in the body of the Report. It has been no secret that for some time past the condition

of the Services has not been altogether satisfactory, for the appointment of the present Commission was virtually a public admission of this fact. From all the Services we had very full and frank statements as to their material grievances, their peculiar difficulties under the new system of Government, and their apprehensions for the future. On all these points the Service representatives were heard at great length and with the utmost patience. The effect of this evidence left little room for doubt that there was everywhere great dissatisfaction and unrest, and that a consideration of Service grievances had not come a moment too soon if the Services themselves were not to be disintegrated by premature retirements and a steadily diminishing flow of suitable recruits. It is not incorrect, I am satisfied, to say that the main grievance set and kept in the forefront was the financial one, although it does not admit of doubt that there are others of a less material and more subtle character. The financial burden might have been borne more cheerfully if the other conditions of life and service had been pleasanter, and these latter disabilities might have bulked less largely if financial conditions had been easier; but the coincident pressure of the two has combined to create feelings of deep discontent which are good neither for the Services themselves nor for the public which they serve.

10. Of the financial aspect of Service grievances, I need say but little, as the relief recommended in the Report is in itself an indication that the Services have made good their case. The only question is the degree of relief to be granted. Even before my appointment to the Royal Commission, I had special opportunities and facilities for acquainting myself at first hand with the conditions under which the average officer lived in most of the Provinces of India. I know that these conditions, especially in the case of married officers with families, have been productive of such discomfort and hardship as are barely distinguishable from actual poverty, and that money worries and indebtedness have everywhere been sapping keenness and efficiency. The amount of relief proposed has been arrived at with a careful eye on the present financial condition of India. If it is as much as the country can at present afford to pay, it is certainly no more than the needs of the Services demand; if more prosperous times lie ahead, I would gladly see it increased. Of the measure of relief we recommend, one thing at least I can say with certainty—it should be given in full, and it should be given at once.

11. The other grievances of the Services, inasmuch as they are largely psychological in character, are not quite so easy to deal with. The Services themselves ascribe them to the new system of Government, the introduction of which, they say, has created difficulty and unpleasantness in their present position and insecurity as to their future. Service feeling in these matters was analysed at some length in many of the representations made to us. The Services themselves have unanimously declared that they are not antagonistic to the Reforms in principle or to the Indianisation of the Services which is their natural concomitant. There is no reason whatever to distrust this evidence, supported as it has been by the fullest practical proof. But the average civil officer in India is not much concerned with politics, and all that he asks is that his conditions of service should be just and equitable, and that he should be able to work in reasonable comfort and security with that enthusiasm which has always been the mainspring of his efficiency. At the present moment he undoubtedly feels that he has been made too much a pawn in the political game, that his grievances are not sympathetically considered, that his rights are not adequately safeguarded, that his work is often unfairly attacked, and that his official superiors are too backward in championing him against his traducers. He sees grants of money that are necessary for the proper carrying on of his work refused by the Legislature for reasons that are totally unconnected with the public interest, and he feels that efficiency is no longer aimed at or cared for. He listens to an unceasing and unrestrained vilification o

the British Government and, as one of its agents, he cannot but feel that some of these shafts are aimed at himself as well. The vocal section of the Indian public seems not only not to want him, but to impair his power to serve the dumb masses to whom he feels his duty lies, and to whom he is still acceptable. All these disheartening influences were more specially and powerfully operative during the dark days of non-co-operation from which the country has just emerged, and they have left a possibly indelible impression on the minds of many of the officials who were most fully exposed to their play. But, apart from this, the general impression one gets is that the Services have had the heart taken out of them, and that they have, at any rate temporarily, lost some of their faith in their own and their country's mission. A significant and an ominous sign is that few Indian officials are now permitting their sons to enter the Indian Services, severing in many cases a long and honourable family connection with the country of their adoption. It has been stated before us that this is to be ascribed to a deliberate propaganda of boycott launched by the Services to the end that their own grievances may be the more readily listened to and redressed. Nothing could be more fallacious. It is undoubted that widespread dissatisfaction among the Indian Services will react, consciously or unconsciously, on the supply of recruits in England. But, as a matter of fact, the average Indian official is a poor man; comparatively few of his class have any private means, and those who are completely independent are a negligible quantity. To such men a future for their sons is a matter of very grave concern, and it is inconceivable that they would for any but the most cogent reasons dissuade their boys from following an Indian career. To me it is abundantly clear that something must be done to arrest the process of "dry-rot" that has already gone too far. If it is not, India will before long find herself without English officials at all, or employing a class of official whom she would be better without. All the evidence we received from Indian witnesses is very clear and definite that only the best type of Englishman is wanted, an inferior article will not do.

12. In my attempt to diagnose the *malaise*, or distemper now so generally prevalent among the Indian Services, I feel that I have at the same time sufficiently indicated the directions in which a remedy is to be found. It is above all necessary that their undoubted financial difficulties should be speedily remedied, for the restoration of tone and spirit will be a longer and a more difficult process. But the Services will be in better heart to take the rough with the smooth if their lot is so improved as to lift from their shoulders the burden of incessant worry about their own private affairs. It is most desirable that a real effort should be made, and made quickly, to remedy their more immediate grievances. For several years past they have been constantly petitioning for some amelioration, which has been no less constantly refused. Such a state of affairs can only be demoralizing to the Services themselves, apart from the fact that repeated rebuffs must seriously undermine their confidence in the Government they serve.

13. The views that I have expressed in this note are strictly personal. Their purpose is purely explanatory, and they are not meant to detract from, or to whittle down, the unqualified agreement I have expressed with the main recommendations in the Report.

(*Signed*)

D. PETRIE.

Dated 30th April,
1924.

INDEX TO REPORT.

(*The references are to paragraph numbers.*)

Abolition of Posts, and loss of prospects, Compensation for. *See* Compensation.
Act, Government of India, 1, 11–16, 18, 24, 25, 32, 49, 79, 81, 82, 87, 109 (iii), (viii), (liv).
Acts, Public Service, 16, 24, 109 (iii).
Additional Pensions: Uncovenanted Services. *See under* Pensions.
Administrative Posts, Pay of, 55, 109 (xxii) (xxiii), Appendix IV.
Advances for Passages, 62.
Age-limit for I.C.S. Examination, 104 (*a*), 109 (lxiii) (*e*).
Agricultural Engineers, 61, 109 (xxix).
Agricultural Service. *See* Indian Agricultural Service.
All-India Services.
- General, 4, 6, 10, 22.
- Appointment and Control, 12–17, 79, 109 (i), (ii), (iii).
- Functions of Public Service Commission, 27–30, 109 (viii)–(xi).
- Indianisation, 32–41, 109 (xiii)–(xvi).
- Pay, Overseas Pay and Remittance Privileges, 43–56, 109 (xviii)–(xxiv).
- Passages, 62–65, 109 (xxx)–(xxxiii).
- Pensions and Invalid Annuities, 66–73, 109 (xxxiv)–(xxxviii).
- Proportionate Pensions, 74, 109 (xxxix)–(xlv).
- Extraordinary Pensions, 75, 109 (xlvi).
- Provident Funds, 76, 109 (xlvii).
- Family Pension Funds, 77, 78, 109 (xlviii)–(l).
- Safeguards, 79–89, 109 (li)–(lvi).
- Existing or Accruing Rights, 81, 82, 109 (li).
- Commutation of Pensions, 84, 109 (lii).
- Legal Covenant, 85, 86, 109 (liii).
- Officers not appointed *by* the Secretary of State, 89, 109 (lvi).
- House Rent, Medical Attendance, Leave, 90–95, 109 (lvii)–(lx).
- Burma, 96–98, 109 (lxi).
- Recruitment, 100–104, 109 (lxiii).
- Short-term Contracts, 105, 109 (lxiii) (*h*).

Allowances, 17.
- Exchange Compensation, 44.
- Practice of Commercial Houses, 48.
- Judicial Allowance, 58, 109 (xxvi).
- Personal Allowances to I.C.S. Officers in Political Department, 60.
- House Allowance, 90.
- Local Allowance, 92, 109 (lviii).
- Travelling Allowance (Grant of, for Medical Aid), 93, 109 (lix).
- Burma, 97.

Appeals, 16, 27, 80, 109 (xi).
Appointment, Royal Warrant of, (ii), (iii), 1, 32.
Appointment and Control of the Services, 12–19, 79, 109 (i)–(iv).
Appointments above the Time Scale, Pay of, 55, 109 (xxii), (xxiii), Appendix IV.
Assam, 3, 13, 14, 60.
Assembly, Legislative. *See* Legislative Assembly.

Baluchistan, 3.
Banks: Evidence of, regarding Financial Position of Services, 46.
Basu, Mr. Bhupendranath, Minute by, page 76.
Bengal, 3.

Bihar and Orissa, 3.
Bombay, 3, 13–15, 39, 41.
Bonus :
Practice of Commercial Houses, 48.
Addition to Pensions in Home Civil Service, 66.
Budgets, Family, 46.
Burma, 3, 13–15, 33, 37, 39–41, 60.
Applicability of Recommendations to, 96–98, 109 (lxi).
Burtchaell, Lieut.-Gen. Sir C. H., (Scheme for Military Medical Requirements), 22, 23, Appendix II.
Business Houses : Remuneration of Superior Staff, 48.

Central Provinces, 3, 60.
Central Services, 4, 6, 12.
Appointment and Control, 18, 19, 109 (iv).
Functions of Public Service Commission, 27–30, 109 (ix)–(xi).
Indianisation, 42, 109 (xvii).
Pay, 57, 109 (xxv), (xxvii), Appendix IV. (i).
Passages, 63–65, 109 (xxx)–(xxxiii).
Pensions (*see also* Uncovenanted Services), 70–72, 109 (xxxvii), (xxxviii).
Proportionate Pensions, Ineligibility for, 74 (iv), 109 (xlii).
Chaplains, Pensions of, 73.
Civil Medical Administration, 21, 22, 23.
Civil Medical Services, Proposed formation of, 23, 109 (v), (vi), (vii).
Commercial Houses : Remuneration of Superior Staff, 48.
Commutation of Pensions, 84, 109 (liii).
Half-pay Leave, 95, 109 (lx).
Compensation—
For Loss of Career, 74, 109 (xxxix).
For Abolition of Posts and Loss of Prospects, 81, 82, 102, 109 (li).
For Breach of Legal Covenant, 85, 109 (liii).
To Specialist Officers for premature termination of contracts, 88, 109 (lv).
Competitive Examination. *See* Examination.
Control. *See* Appointment and Control.
Cost of Living, 8, 44, 47, 66.
Cost of Recommendations, Appendix VII.
Councils. *See* Legislative Councils.
Coupland, Professor, Minutes by, pages 116, 124.
Craddock, Sir Reginald, Minutes by, pages 127, 139, 147.
Crown Colonies : Increase in Pension of Civil Officers, 66 (*d*).
Customs. *See* Imperial Customs Service.

Date from which Recommendations should take effect, 99, 109 (lxii).
Declaration of 1917, 8, 9, 32, 33, 35.
Dehra Dun : Forest Research Institute, 39.
Departmental Services : Proposed New Title for Uncovenanted Services, 86.
Director-General, Indian Medical Service, 4, 23 (*c*).

Ecclesiastical Department, 19.
Education, Increased cost of, 47, 66.
Educational Service. *See* Indian Educational Service.
Engineers. *See* Indian Service of Engineers.
Evidence, 25, 42, 43, 62.
Procedure regarding, 2–5, 106, 107.
Examination—
For Civil Medical Service, 23, 109 (v).
Functions of Public Service Commission, 27, 30, 109 (x) (xii).
To be by open competition for certain Central Services, 42, 109 (xvii) (*f*).
For I.C.S., 104, 109, (lxiii).

Examination or Qualification, Standards of, 23, 27, 30, 109 (x), (xii).
Exchange. *See* Rate of Exchange.
Exchange Compensation Allowance 44.
Existing or Accruing Rights, 81, 82, 109 (li).
Extraordinary Pensions, 75, 109 (xlvi).
Family Pension Funds—
For Services other than I.C.S., 77, 109 (xlviii).
Indian Civil Service Fund, 75, 109 (xlix) (l).
Forest Research Institute, Dehra Dun, 39.
Forest Service. *See* Indian Forest Service.
Forest Specialists, 61, 109 (xxix).
Funds. *See* Family Pension Funds *and* Provident Funds.

Government of India—
General, 3–6, 8, 10–12, 16, 23, 24, 33, 60, 78, 84.
Appointment to Central Services, 18, 19, 109 (iv).
Functions of Public Service Commission, 27–30, 109 (x) (xi).
Indianisation of Central Services, 42, 109 (xvii).
Pay of Women's Branch, I.E.S., 56, 109 (xxiv).
Applicability of Financial Proposals to Central Services, 57, 109 (xxv).
Ineligibility of Central Services for Proportionate Pensions, 74 (iv), 109 (xlii).
Grouping of districts for Medical Purposes, 93.
Distribution of recruits, 97, 98, 109 (lxi).
Government of India Act, 1, 11–16, 18, 24, 25, 32, 49, 79, 81, 82, 87, 109 (iii), (viii), (liv).
Governor-in-Council, 26.
Governor-General in Council, 27, 33, 109 (xi).
Governors of Provinces, Pensions of I.C.S. Officers serving as, 68, 109 (xxxv) (*see also* Mr. Basu's Minute, page 76).

High Commissioner for India, 54, 109 (xx).
High Court Judges, 25.
Pensions of, 73.
Remuneration of, Appendix IV (1) and (2).
Home Civil Service : Bonus additions to Pensions, 66.
Hospital Charges, 93 (*e*), 109 (lix) (*e*).
House Allowances, 90.
House Rent, 64, 90–92, 109 (lvii), (lviii).

Imperial Customs Service :
Appointments to, 19, 109 (iv).
Indianisation, 42, 109 (xvii) (*b*).
Income Tax Concessions : Practice of Commercial Houses, 48 (iii).
India, Government of :
General, 3–6, 8, 10–12, 16, 23, 24, 33, 60, 78, 84.
Appointment to Central Services, 18, 19, 109 (iv).
Functions of Public Service Commission, 27–30, 109 (x), (xi).
Indianisation of Central Services, 42, 109 (xvii).
Pay of Women's Branch, I.E.S., 56, 109 (xxiv).
Applicability of Financial Proposals to Central Services, 57, 109 (xxv).
Ineligibility of Central Services for Proportionate Pensions, 74 (iv), 109 (xlii).
Grouping of Districts for Medical Purposes, 93 (*a*).
Distribution of Recruits, 97, 98, 109 (lxi).
India Office, 78, 103, 109 (lxiii) (*c*).
Indian Agricultural Service, 6, 33, 41. *See also* All-India Services.
Recruitment for Local Governments to cease, 14, 15, 109 (ii).
Proposed Overseas Pay and Remittance Privileges, 53, 54, 55, 109 (xix–xxi, xxiii), Appendix III, Appendix IV.
Indian Army, 21, 22, 42, 60, 109 (v), (xvii) (*a*).

Indian Civil Service, 6, 19, 33, 42, 60, 96. *See also* All-India Services.
Appointment and Control, 13, 109 (i).
Indianisation, 35, 36, 109 (xiii).
Proposed Overseas Pay and Remittance Privileges, 53, 54, 55, 109 (xix, xx, xxiii), Appendix III, Appendix IV.
Judicial Pay, 58, 109 (xxvi).
Indian Officers: Qualification for Passage Concessions, 63, 109 (xxxi).
Pensions and Invalid Annuities, 67, 69, 109 (xxxiv), (xxxvi).
Pensions of Members of Council and Governors, 68, 109 (xxxv).
Family Pension Fund, 78, 109 (xlix), (l).
Recruitment and System of Selection, 101–104, 109 (lxiii).
Unsuitability of Short-term Contracts, 105, 109 (lxiii) (*h*).
Indian Constitutional Reforms, Report on, 9, 32–34, 45.
Indian Educational Service, 6, 33, 41, 85, Appendix V. *See also* All-India Services,
Recruitment for Local Governments to cease, 14, 15, 109 (ii).
Proposed Overseas Pay and Remittance Privileges, 53, 54, 55, 109 (xix)–(xxi), (xxiii), Appendix III, Appendix IV.
Women's Branch, Pay of, 56, 109 (xix), (xx), (xxiv).
Pensions of, 73.
Indian Forest Engineering Service, 6, Appendix III (3). *See also* All-India Services.
Indian Forest Service, 6. *See also* All-India Services.
Appointment and Control of, 13, 14, 109 (i).
Recruitment for Bombay and Burma to cease, 14, 15, 109 (ii).
Indianisation, 39, 109 (xv).
Proposed Overseas Pay and Remittance Privileges, 53, 54, 55, 109 (xix), (xx), (xxii), (xxiii), Appendix III, Appendix IV.
Indian Medical Service, 4, 6, 14, 41. *See also* All-India Services.
Reorganisation of Medical Services, 20–23, 109 (v)–(vii).
Proposed Overseas Pay and Remittance Privileges, 53, 54, 55, 109 (xix)–(xxi), (xxiii), Appendix III, Appendix IV.
Rule regarding Proportionate Pensions, 74 (vi), 109 (xlv).
Medical Attendance for Services, 93, 109 (vi), (lix).
Indian Police Service, 6, 45, 50. *See also* All-India Services.
Appointment and Control, 13, 109 (i).
Indianisation, 33, 37, 38, 109 (xiv).
Basic Pay, Proposed Increase, 52, 109 (xviii).
Proposed Overseas Pay and Remittance Privileges, 53–55, 109 (xix)–(xxiii), Appendix III, Appendix IV.
Position of Officers not appointed *by* the Secretary of State, 89, 109 (lvi).
Unsuitability of Short-term Contracts, 105, 109 (lxiii) (*h*).
Indian Service of Engineers, 6, 41, 61. *See also* All-India Services.
Appointment and Control, 13, 15, 109 (i), (ii).
Indianisation, 33, 40, 109 (xvi).
Proposed Overseas Pay and Remittance Privileges, 53, 54, 55, 109 (xix)–(xx), (xxii), xxiii), Appendix III, Appendix IV.
Technical pay: to be reckoned as basic pay, 59, 109 (xviii).
Indian Veterinary Service, 6, 33, 41. *See also* All-India Services.
Recruitment for Local Governments to cease, 14, 15, 109 (ii).
Proposed Overseas Pay and Remittance Privileges, 53, 54, 109 (xix)–(xxi). Appendix III.
Indianisation, 1, 7, 8, 10, 11, 93.
Proposals regarding, 32–42, 109 (xiii)–(xvii).
Application to Burma, 96, 97, 109 (lxi).
Instruction and training, Facilities for, 33, 39, 42 (*d*), 59, 96, 109 (xvii) (*d*).
Interdependence of main conclusions, 108, 109 (lxiv).
Invalid Annuities:
Indian Civil Services, 69, 109 (xxxvi).
Uncovenanted Services, 72, 109 (xxxviii).

Irrigation Service. *See* Indian Service of Engineers.
Islington Commission, 7, 8, 23, 32–34, 39, 42, 44, 45, 47, 66–68, 77, 95, Appendix IV (2).

Jackson, Sir Cyril, Minute by, 124.
Judges, High Court, 25.
Pensions of, 73.
Remuneration of, Appendix IV (1) and (2).
Judicial Pay: Indian Civil Service, 58, 109 (xxvi).
Law Officers of the Crown:
Interpretation of "Existing or Accruing Rights," 81.
Leave, 16.
To be secured in proposed Legal Covenant, 85, 109 (liii).
Existing Rules sufficiently liberal, 95, 109 (lx).
Legal Covenant:
Costs of Procedings taken under, 28, 85, 109 (xi).
Security of, 64.
Recommendations regarding, 85, 109 (liii), Appendix V.
Legislative Assembly, 18, 33.
Legislative Councils, 14, 16, 61, 89, 103, 109 (iii).
Listed posts, 35, 36, 58, 109 (xiii).
Living, Cost of. *See* Cost of Living.
Local Allowance, 92 (*b*), 109 (lviii).
Local Governments, 2, 3, 5, 6, 11, 12, 24, 35, 74, 80, 83, 109 (xxix) (xliii) (lxi).
To recruit and appoint to Services employed in transferred fields, 15, 39, 40, 41, 109 (ii).
To secure the passing of Public Service Acts, 16, 109 (iii).
To constitute new Civil Medical Services, 23, 109 (v)–(vii).
Relation of, to Public Service Commission, 26–30, 109 (x)–(xii).
Cases of Specialist Officers appointed by, 61, 109 (xxix).
Proposed "Passage Fund," 65, 109 (xxxiii).
House Rent and Medical Attendance, 90–93, 109 (lvii)–(lix).

MacDonnell Committee, 11, 70, 101, 103, Appendix IV (1), Appendix VI.
Madras, 3, 58.
Married Officers: Financial Difficulties of, 44, 46, 47, 62.
Medical Adviser to Secretary of State, 23 (*c*).
Medical Attendance, 20–23, 64, 93, 94, 109 (vi), (lix).
Medical Service. *See* Indian Medical Service.
Members of Council, Pensions of I.C.S. Officers, 67, 68, 109 (xxxv). *See also* Mr. Basu's Minute, p. 76.
Pay of, Appendix IV (1) (2).
Military Officers in Political Department, Pay of, 60, 109 (xxviii).
Pensions of, 73.
Military Reserve of Medical Officers, 21, 22, 23, 109 (v), (vi).
Military Service (Liability of Civil Medical Officers), 23, 109 (v).
Ministers, 14, 21, 22, 41, 103.
Montagu-Chelmsford Report. *See* Indian Constitutional Reforms, Report on.
Motor-Car Allowances, Practice of Commercial Houses, 48.

Nomination, Public Service Commission to determine Standards, 27.
North-West Frontier Province, 3, 37.

O'Donnell Circular, 11, 33, 34.
Overseas Pay, 43, 51, 59, 63, 64.
Improvement of, Recommendation regarding, 53, 54, 109 (xix), (xx), (xxi), Appendix III, Appendix IV.

Passages—
Practice of Business Houses, 48.
Advances free of interest, 62.
Scheme for grant of, 63, 109 (xxx), (xxxi).
Repatriation, for families of deceased officers, 63, 109 (xxxii).
Value of proposed Concessions, 65.
Proposed Government " Passage Fund," 65, 109 (xxxiii).
To be secured in Legal Covenant, 85, 109 (liii).
Pay—
Of the Services (General), 43–61, 109 (xviii)–(xxix), (lii), Appendix III, Appendix IV.
Of existing Members of All-India Services operating in transferred field, 17.
Of proposed Civil Medical Services, 23.
Safeguards, 80, 85, 109 (liii).
Overseas. *See* Overseas Pay.
Pensions—
Of the Services (General), 66–73, 109 (xxxiv)–(xxxviii).
Of existing members of All-India Services operating in transferred field, 17.
Additional (Uncovenanted Services), 70, 73 (*a*).
Extraordinary, 75, 109 (xlvi).
Safeguards, 80, 83, 85, 109 (liii).
Commutation of, 84, 109 (lii).
Proportionate. *See* Proportionate Pensions.
Family Pension Funds, *q.v.*
Petrie, Mr., Minute by, page 176.
Police. *See* Indian Police Service.
Political Department, 3.
Appointment to, 19, 109 (iv).
Indianisation, 42 (*a*), 109 (xvii) (*a*).
Pay of Military Officers serving in, 60, 109 (xxviii).
Pensions of Military Officers serving in, 73.
Posts and Telegraphs Dept., 4, 6, 19. *See also* Central Services.
Prices, Rise in, 8, 44, 47, 66.
Probation-Period for I.C.S. Recruits, 104 (*b*), 109 (lxiii) (*f*).
Professorial Appointments (Medical Service), 23 (*g*), 109 (vii).
Promotion—
Prospects of, 80, 81, 82.
From Provincial Services, 35–40, 96, 109 (xiii), (xiv), (xvi).
Propaganda, Recruiting, 103, 109 (lxiii), Appendix VI.
Proportionate Pensions—
Claim for Compensation for loss of career, 74 (i), 109 (xxxix).
Claims of certain Officers recruited in 1919, 74 (ii), 109 (xl).
Claim to count previous War Service, 74 (iii), 109 (xli).
Claim of Central Services, 74 (iv), 109 (xlii).
Claim for indefinite extension, 74 (v), 109 (xliii).
Option to be accorded when fields of Administration transferred, 74 (v), 103, 109 (xliii), (xliv).
Ineligibility of I.M.S. Officers with less than 17 years' Service, 74 (vi), 109 (xlv).
Right to, to be secured in proposed Legal Covenant, 85, 109 (liii).
Prospects, 80, 81, 82.
Provident Funds—
Practice of Commercial Houses, 48.
Indian Civil Service, 67.
Substitution of, for Pensions, 76, 109 (xlvii).
Votability of Government Contributions, 87, 109 (liv).
Provincial Governments. *See* Local Governments.
Provincial Selection Boards, 26, 109 (xii).

Provincial Services, 6, 14, 42, 58.
Regulation of, by Public Service Acts, 16, 109 (iii).
Relation of Public Service Commission to, 27, 30, 109 (x), (xii).
Promotions from, 35–40, 96, 109 (xiii), (xiv), (xvi).
Provincialisation, 14–16, 97, 109 (ii), (iii), (lxi).
Public Schools: Increase in fees, 47.
Public Service Acts, 16, 24, 109 (iii).
Public Service Commission—
To be established without delay, 25, 109 (viii).
Functions and scope of, 12, 23 (*c*), 24–31, 80, 85, 109 (viii)–(xii).
To consider claims for compensation on abolition of posts, 82, 109 (li).
To be consulted regarding compensation to Specialist Officers on premature termination of Contracts, 88, 109 (lv).
To apply to Burma, 97.
Punjab, 3, 60.

Quarters, Free, Practice of Commercial Houses, 48.
Questionnaires, 2, 3, 5, 104, Appendices I and II.

Railway Department, 4, 19, 42, 109 (xvii).
Rate of Exchange, 44, 48 (iii), 66.
Recommendations—
Interdependence and urgency of, 108, 109 (lxiv).
Summary of, 109.
Cost of, Appendix VII.
Recruitment (*see also* Indianisation)—
Recent difficulties regarding, 11, 22.
Cessation of All-India, in transferred field, 15, 109 (ii).
Functions of Public Service Commission, 27, 109 (ix), (x).
Deterrents to and methods of, for I.C.S., 100–105, 109 (lxiii) Appendix VI.
Explanation to prospective candidates, 103, 109 (lxiii) (*d*).
Remittance Privileges—
Practice of Commercial Houses, 48.
Proposals regarding, 54, 64, 65, 109 (xx), (xxi), Appendix III, Appendix IV.
To be secured in proposed Legal Covenant, 85, 109 (liii).
Rent. *See* House Rent.
Repatriation Passages, for families of deceased officers, 63, 109 (xxxii).
Roads and Buildings Branch. *See* Indian Service of Engineers.
Royal Army Medical Corps, 21, 22.
Royal Army Medical Corps (India), 22, 23, 109 (v), (vi).

Safeguards (General), 64, 79–89, 109 (li)–(lvi).
Salaries. *See* Pay.
Secretary of State (General), 6, 8–12, 24, 25, 41, 56, 57, 59, 61, 63, 74, 78, 83, 88, 100, 107, 109 (xxiv), (xxv), (xxix), (xliii).
To retain powers of Appointment and Control in reserved field, 13, 79, 109 (i).
To cease All-India recruitment for transferred field, 14, 15, 109 (ii).
To delegate power to regulate Provincial Services, 16, 109 (iii).
Appointments by, to Central Services—Proposals regarding, 18, 19, 109 (iv).
To determine and maintain British complement in Civil Medical Services, 23 (*d*), 109 (vi).
Relation of Public Service Commission to, 27, 109 (x), (xi).
To adjust recruitment for I.C.S. and I.P.S. as necessary, 35, 36, 37.
To refer claims for compensation to Public Service Commission, 81, 82, 109 (li).
Position of All-India Officers not appointed *by*, 89, 109 (lvi).

To approve grouping of districts for medical purposes, 93 (*a*).
To adjust distribution of recruits as between Burma and other Provinces 98, 109 (lxi).
To reconsider age-limit for I.C.S., 104 (*a*), 109 (lxiii) (*e*).
Selection, 16, 104, 109 (lxiii).
Selection Boards (Provincial), 26, 109 (xii).
Selection Grade, Extension of benefits to Officers promoted to, 54, 109 (xxi).
Service—Indian Civil. *See* Indian Civil Service.
Indian Police. *See* Indian Police Service.
etc. etc. etc.
Services—All-India. *See* All-India Services.
Central. *See* Central Services.
Provincial. *See* Provincial Services.
Subordinate. *See* Subordinate Services.
Short-Term Contracts, 105, 109 (lxiii) (*h*).
Specialist Officers—Pay of, 61, 109 (xxix).
Compensation for premature termination of contracts. 88, 109 (lv).
Standards of examination and qualification, 23, 27, 30, 109 (x), (xii).
State Railway Engineers, 19, 42, 109 (iv), (xvii).
Statutory Commission, 1929, 35, 74.
Subordinate Services, 6.
Superior Revenue Establishment, State Railways, 19, 42, 109 (iv), (xvii).
Superior Telegraph and Wireless Branch (Post and Telegraph Dept.), 19, 42, 59, 109 (iv), (xvii), (xxvii).

Technical Pay, 59, 109 (xviii), (xxvii).
Terms of Reference, (ii), (iii), 1, 32, 96.
Training Facilities. *See* Instruction and Training.
Travelling Allowances, Grant of, for Medical Aid, 93, 109 (lix).

Uncovenanted Services. *See also* All-India *and* Central Services.
Pay of, 43–57, 59, 109 (xviii)–(xxv), (xxvii).
Proposed Passage Concessions, 62–65, 109 (xxx)–(xxxiii).
Pensions of, 66, 70–73 (*b*), 109 (xxxvii).
Pension proposals not to be retrospective, 71.
Invalid Annuities, 72, 109 (xxxviii).
To be described as " Departmental Services " 86.
Under Secretary of State (Reply to Parliamentary Question regarding Exchange-value of Rupee), 44.
United Provinces, 3.
Universities—
Suggested liaison with India Office, 103, 109 (lxiii) (*c*), Appendix VI.
Views of, regarding System of Selection for I.C.S., 104.
Short Term Contracts, 105, 109 (lxiii) (*h*).
Urgency of recommendations, 108, 109 (lxiv).

Verney-Lovett Committee, 21, 22.
Veterinary Service. *See* Indian Veterinary Service.
Votability—
Of Judicial Pay of Officers holding Listed Posts, 58.
Of Passage Concessions, 64.
Of Government Contributions to Provident Funds, 87, 109 (liv).
Of Pay of All-India Officers not appointed *by* the Secretary of State, 89, 109 (lvi).

War Service, Claim to Count for Proportionate Pension, 74 (iii), 109 (xli).
Witnesses. *See* Evidence.
Women's Educational Service. *See* Indian Educational Service, Women's Branch.

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